

COUNCIL OF THE EUROPEAN COMMUNITIES

COMPILATION OF TEXTS

V

ASSOCIATION

EEC-CYPRUS
EEC-MALTA
EEC-TURKEY

1 January — 31 December 1988



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EEC-CYPRUS Association

The Compilation of Texts pertaining to the "Association between the European Economic Community and the Republic of Cyprus" contains all the acts adopted by the various Institutions of the Association pursuant to the Agreement signed at Brussels on 19 December 1972 as well as the acts adopted by the EEC concerning Cyprus.

GENERAL MATTERS

1. Association Agreement and related texts

DECISION No 1/88 OF THE EEC-CYPRUS ASSOCIATION COUNCIL

of 21 November 1988

amending, as a consequence of the introduction of the harmonized system, Protocol 2 concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE ASSOCIATION COUNCIL,

Having regard to the Agreement creating an Association between the European Economic Community and the Republic of Cyprus, signed on 19 December 1972,

Having regard to the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation, and in particular Article 25 thereof,

Whereas the origin rules contained in the said Protocol are based on the use of the Customs Cooperation Council Nomenclature; whereas the Customs Cooperation Council approved the International Convention on the Harmonized Commodity Description and Coding System (hereinafter referred to as the 'harmonized system') on 14 June 1983; whereas it is the intention that, as from 1 January 1988, the harmonized system will replace the current nomenclature for the purposes of international trade; whereas it is therefore necessary to adapt the rules of origin contained in the Protocol so that they are based on the use of the harmonized system;

Whereas, in the light of experience, the presentation of the origin rules could be improved by grouping all the exceptions to the basic change of heading rule into one List and by providing detailed guidance on how it should be interpreted,

HAS DECIDED AS FOLLOWS:

Article 1

In the last subparagraph of Article 1 of Protocol 2, 'in List C in Annex IV' is replaced by 'in Annex II'.

Article 2

Article 3 of the Protocol is replaced by the following:

'Article 3

1. The expressions "chapters" and "headings" used in this Protocol shall mean the chapters and the headings (four digit codes) used in the Nomenclature which makes up the "Harmonized Commodity Description and Coding System" (hereinafter referred to as the harmonized system or HS).

The expression "classified" shall refer to the classification of a product or material under a particular heading.

2. For the purposes of Article 1, non-originating materials are considered to be sufficiently worked or processed when the product obtained is classified in a heading which is different from those in which all the non-originating materials used in its manufacture are classified, subject to the provisions of paragraphs 3 and 4.

3. For a product mentioned in columns 1 and 2 of the List in Annex III, the conditions set out in column 3 for the product concerned must be fulfilled instead of the rule in paragraph 2.

4. For the purpose of implementing Article 1, the following shall always be considered as insufficient working or processing to confer the status of originating product, whether or not there is a change of heading:

- (a) operations to ensure the preservation of merchandise in good condition during transport and storage (ventilation, spreading out, drying, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);
- (b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making up of sets of articles), washing, painting, cutting up;
- (c) (i) changes of packaging and breaking up and assembly of consignments;
- (ii) simple placing in bottles, flasks, bags, cases, boxes, fixing on cards or boards, etc., and all other simple packaging operations;
- (d) affixing marks, labels or other like distinguishing signs on products or their packaging;

- (e) simple mixing of products, whether or not of different kinds, where one or more components of the mixture do not meet the conditions laid down in this Protocol to enable them to be considered as originating;
- (f) simple assembly of parts of articles to constitute a complete article;
- (g) a combination of two or more operations specified in subparagraphs (a) to (f);
- (h) slaughter of animals.

Article 3

Article 4 of the Protocol is replaced by the following:

'Article 4

1. The term "value" in the List in Annex III shall mean the customs value at the time of the import of the non-originating materials used or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the territory concerned.

Where the value of the originating materials used needs to be established, this paragraph shall be applied "*mutatis mutandis*".

2. The term "ex works price" in the List in Annex III shall mean the ex works price of the product obtained minus any internal taxes which are, or may be, repaid when the product obtained is exported.

Article 4

Article 6 of the Protocol is hereby amended as follows:

1. In paragraph 2, 'Article 3 (3)' is replaced by 'Article 3 (4)', and 'Brussels Nomenclature' by 'harmonized system'.
2. The following paragraph is added:

4. Sets within the meaning of General Rule 3 of the harmonized system shall be regarded as orig-

inating when all component articles are originating products. Nevertheless, when a set is composed of originating and non-originating articles, the set as a whole shall be regarded as originating provided that the value of the non-originating articles does not exceed 15 % of the ex works price of the set.

Article 5

1. Annexes I, II and III to this Decision replace Annexes I, II, III and IV to Protocol 2.
2. Annexes V and VI are renumbered IV and V.

Article 6

1. Products which were exported before 1 January 1988, accompanied by a movement certificate EUR 1 or form EUR 2, shall be considered as originating under the rules in force on 1 January 1988.
2. Movement certificates EUR 1 or forms EUR 2 issued or made out before 1 January 1988 under the rules in force before that date shall be accepted up to and including 31 May 1988 according to the rules in force when they were issued.
3. Articles 19 and 20 of the Protocol shall apply in the case of goods exported before 1 January 1988 and retrospective or duplicate movement certificates may be issued under the rules in force before that date.

Article 7

Decision No 1/79 is replaced by this Decision.

Article 8

This Decision shall apply from 1 January 1989.

Done at Brussels, 21 November 1988.

For the Association Council

The President

Th. PANGALOS

Joint Declaration concerning the review of the changes to the origin rules as a result of the introduction of the harmonized system

Where, following the amendments made to the Nomenclature, the new rules introduced by Decision No 1/88 alter the substance of any rule existing prior to Decision No 1/88 and it appears that such alteration results in a situation prejudicial to the interest of the sectors concerned, then, if one of the contracting parties so requests in the period up to and including 31 December 1990, an examination shall be made as a matter of urgency by the Association Council, of the need to restore the rule concerned as it was before Decision No 1/88.

In any case, the Association Council shall decide to restore, or not to restore, the substance of the rule concerned within a period of three months of the request being made to it by either of the parties to the Agreement.

If the substance of the rule concerned is restored, then the parties to the Agreement shall also provide the legal framework necessary to guarantee that any customs duties improperly levied on the products concerned imported after 1 January 1989 can be reimbursed.

ANNEX I

EXPLANATORY NOTES

Note 1: Articles 1 and 2

The terms 'the Community' and 'Cyprus' shall also cover the territorial waters of the Member States of the Community and of Cyprus respectively.

Vessels operating on the high seas, including factory ships, on which fish caught are worked or processed, shall be considered as part of the territory of the State to which they belong provided that they satisfy the conditions set out in Explanatory Note 4.

Note 2 — Article 1

The conditions set out in Article 1 relative to the acquisition of originating status must be fulfilled without interruption in the Community or Cyprus.

If originating products exported from the Community or Cyprus to another country are returned, they must be considered as non-originating unless it can be demonstrated to the satisfaction of the customs authorities that:

- the goods returned are the same goods as those exported,
- and
- they have not undergone any operations beyond that necessary to preserve them in good condition while in that country.

Note 3 — Article 1

In order to determine whether goods originate in the Community or in Cyprus it shall not be necessary to establish whether the power and fuel, plant and equipment, and machines and tools used to obtain such goods originate in third countries or not.

Note 4 — Article 2 (f)

The term 'their vessels' shall apply only to vessels:

- which are registered or recorded in a Member State or in Cyprus,
- which sail under the flag of a Member State or of Cyprus,
- at least 50 % of which are owned by nationals of the Member States and Cyprus or by a company which has its head office in a Member State or in Cyprus, of which the manager, managers, chairman of the board, and the majority of the members of such board are nationals of the Member States or Cyprus and of which, in addition, in the case of partnerships or limited companies, at least half the capital belongs to the Member States or to Cyprus or to public bodies or nationals of the Member States or of Cyprus,
- of which the captain and officers are all nationals of the Member States or of Cyprus,
- of which at least 75 % of the crew are nationals of the Member States or of Cyprus.

Note 5 — Articles 2 and 3

1. The unit of qualification for the application of the origin rules shall be the particular product which is considered as the basic unit when determining classification using the nomenclature of the harmonized system. In the case of sets of products which are classified by virtue of General Rule 3, the unit of qualification shall be determined in respect of each item in the set; this also applies to the sets of heading Nos 6308, 8206 and 9605.

Accordingly, it follows that:

- when a product composed of a group or assembly of articles is classified under the terms of the harmonized system in a single heading, the whole constitutes the unit of qualification,
- when a consignment consists of a number of identical products classified under the same heading of the harmonized system, each product must be taken individually when applying the origin rules.

2. Where, under General Rule 5 of the harmonized system, packing is included with the product for classification purposes, it shall be included for purposes of determining origin.

Note 6 — Article 3 (1)

The Introductory Notes to Annex III shall also apply where appropriate to all products manufactured using non-originating materials even if they are not subject to a specific condition contained in the List in Annex III but are subject instead to the change of heading rule set out in Article 3 (1).

Note 7 — Article 4

'Ex works price' shall mean the price paid to the manufacturer in whose undertaking the last working or processing is carried out, provided the price includes the value of all the products used in manufacture.

'Customs value' shall be understood as meaning the customs value laid down in the Convention concerning the valuation of goods for customs purposes signed in Brussels on 15 December 1950.

ANNEX II

List of products referred to in Article 1 which are temporarily excluded from the scope of this Protocol

HS heading No	Description of product
ex 2707	Oils in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents, being oils similar to mineral oils obtained by distillation of high temperature coal tar, of which more than 65 % by volume distils at a temperature of up to 250° C (including mixtures of petroleum spirit and benzole), for use as power or heating fuels
2709 to 2715	Mineral oils and products of their distillation; bituminous substances; mineral waxes
ex 2901	Acyclic hydrocarbons for use as power or heating fuels
ex 2902	Cyclanes and cyclenes (other than azulenes), benzene, toluene, xylenes, for use as power or heating fuels
ex 3403	Lubricating preparations containing petroleum oils or oils obtained from bituminous minerals, provided they represent less than 70 % by weight
ex 3404	Artificial waxes and prepared waxes with a basis of paraffin, petroleum waxes, waxes obtained from bituminous minerals, slack wax or scale wax
ex 3811	Prepared additives for lubricating oil, containing petroleum oils or oils obtained from bituminous minerals

ANNEX III

List of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status

INTRODUCTORY NOTES

General

Note 1:

- 1.1. The first two columns in the list describe the product obtained. The first column gives the heading number, or the chapter number, used in the harmonized system and the second column gives the description of goods used in that system for that heading or chapter. For each entry in the first two columns a rule is specified in column 3. Where, in some cases, the entry in the first column is preceded by an 'ex', this signifies that the rule in column 3 applies only to the part of that heading or chapter as described in column 2.
- 1.2. Where several heading numbers are grouped together in column 1 or a chapter number is given and the description of product in column 2 is therefore given in general terms, the adjacent rule in column 3 applies to all products which, under the harmonized system, are classified in headings of the chapter or in any of the headings grouped together in column 1.
- 1.3. Where there are different rules in the list applying to different products within a heading, each indent contains the description of that part of the heading covered by the adjacent rule in column 3.

Note 2:

- 2.1. The term 'manufacture' covers any kind of working or processing including 'assembly' or specific operations. However, see Note 3.5 below.
- 2.2. The term 'material' covers any 'ingredient', 'raw material', 'component' or 'part', etc., used in the manufacture of the product.
- 2.3. The term 'product' refers to the product being manufactured, even if it is intended for later use in another manufacturing operation.

Note 3:

- 3.1. In the case of any heading not in the list or any part of a heading that is not in the list, the 'change of heading' rule set out in Article 3 (1) applies. If a 'change of heading' condition applies to any entry in the list, then it is contained in the rule in column 3.
- 3.2. The working or processing required by a rule in column 3 has to be carried out only in relation to the non-originating materials used. The restrictions contained in a rule in column 3 likewise apply only to the non-originating materials used.
- 3.3. Where a rule states that 'materials of any heading' may be used, materials of the same heading as the product may also be used, subject, however, to any specific limitations which may also be contained in the rule. However, the expression 'manufacture from materials of any heading including other materials of heading No ...' means that only materials classified in the same heading as the product of a different description than that of the product as given in column 2 of the list may be used.
- 3.4. If a product, made from non-originating materials which has acquired originating status during manufacture by virtue of the change of heading rule or its own list rule, is used as a material in the process of manufacture of another product, then the rule applicable to the product in which it is incorporated does not apply to it.

— For example, an engine of heading No 8407, for which the rule states that the value of the non-originating materials which may be incorporated may not exceed 40 % of the ex works price, is made from 'other alloy steel roughly shaped by forging' of heading No 7224.

If this forging has been forged in the country concerned from a non-originating ingot then the forging has already acquired origin by virtue of the rule for heading No ex 7224 in the List. It can then count as originating in the value calculation for the engine regardless of whether it was produced in the same factory or another. The value of the non-originating ingot is thus not taken into account when adding up the value of the non-originating materials used.

- 3.5. Even if the change of heading rule or the rule contained in the list is satisfied, a product does not have origin if the processing carried out, taken as a whole, is insufficient within the meaning of Article 3 (4).

Note 4:

- 4.1. The rule in the list represents the minimum amount of working or processing required and the carrying out of more working or processing also confers originating status; conversely, the carrying out of less working or processing cannot confer origin. Thus if a rule says that non-originating material at a certain level of manufacture may be used, the use of such material at an earlier stage of manufacture is allowed and the use of such material at a later stage is not.

- 4.2. When a rule in the list specifies that a product may be manufactured from more than one material, this means that any one or more of the materials may be used. It does not require that all be used.

— For example, the rule for fabrics says that natural fibres may be used and that chemical materials, among other materials, may also be used. This does not mean that both have to be used, one can use one or the other or both.

If, however, a restriction applies to one material and other restrictions apply to other materials in the same rule, then the restrictions only apply to the materials actually used.

— For example, the rule for sewing machines specifies that the thread tension mechanism used has to originate and that the zigzag mechanism used also has to originate; these two restrictions only apply if the mechanisms concerned are actually incorporated into the sewing machine.

- 4.3. When a rule in the list specifies that a product must be manufactured from a particular material, the condition obviously does not prevent the use of other materials which, because of their inherent nature, cannot satisfy the rule.

— For example, the rule for heading No 1904 which specifically excludes the use of cereals or their derivatives does not prevent the use of mineral salts, chemicals and other additives which are not produced from cereals.

— For example, in the case of an article made from non-woven materials, if the use of only non-originating yarn is allowed for this class of article, it is not possible to start from non-woven cloth — even if non-wovens cannot normally be made from yarn. In such cases, the starting material would normally be at the stage before yarn — that is the fibre stage.

See also Note 7.3 in relation to textiles.

- 4.4. If in a rule in the list two or more percentages are given for the maximum value of non-originating materials that can be used, then these percentages may not be added together. The maximum value of all the non-originating materials used may never exceed the highest of the percentages given. Furthermore, the individual percentages must not be exceeded in relation to the particular materials they apply to.

Textiles

Note 5:

- 5.1. The term 'natural fibres' is used in the list to refer to fibres other than artificial or synthetic fibres and is restricted to the stages before spinning takes place, including waste and unless otherwise specified, the term 'natural fibres' includes fibres that have been carded, combed or otherwise processed but not spun.

- 5.2. The term 'natural fibres' includes horsehair of heading No 0503, silk of heading Nos 5002 and 5003 as well as the wool fibres, fine or coarse animal hair of heading Nos 5101 to 5105, the cotton fibres of heading Nos 5201 to 5203 and the other vegetable fibres of heading Nos 5301 to 5305.
- 5.3. The terms 'textile pulp', 'chemical materials' and 'paper making materials' are used in the list to describe the materials not classified in chapters 50 to 63, which can be used to manufacture artificial, synthetic or paper fibres or yarns.
- 5.4. The term 'man-made staple fibres' is used in the list to refer to synthetic or artificial filament tow, staple fibres or waste, of heading Nos 5501 to 5507.

Note 6:

- 6.1. In the case of the products classified in those headings in the list to which a reference is made in this Introductory Note, the conditions set out in column 3 of the list shall not be applied to any basic textile materials used in their manufacture which, taken together, represent 10 % or less of the total weight of all the basic textile materials used (but see also Notes 6.3 and 6.4 below).
- 6.2. However, this tolerance may only be applied to mixed products which have been made from two or more basic textile materials, irrespective of their share of the product.

The following are the basic textile materials:

- silk,
 - wool,
 - coarse animal hair,
 - fine animal hair,
 - horsehair,
 - cotton,
 - paper making materials and paper,
 - flax,
 - true hemp,
 - jute and other textile bast fibres,
 - sisal and other textile fibres of the genus *Agave*,
 - coconut, abaca, ramie and other vegetable textile fibres,
 - synthetic man-made filaments,
 - artificial man-made filaments,
 - synthetic man-made staple fibres,
 - artificial man-made staple fibres.
- For example, a yarn of heading No 5205 made from cotton fibres and synthetic staple fibres is a mixed yarn. Therefore, non-originating materials that do not satisfy the origin rules may be used up to a weight of 10 % of the yarn.
- For example, a woollen fabric of heading No 5112 made from woollen yarn and synthetic yarn of staple fibres is a mixed fabric. Therefore, either non-originating synthetic yarn or woollen yarn or a combination thereof that does not satisfy the origin rules may be used up to a weight of 10 % of the fabric.
- For example, tufted textile fabric of heading No 5802 made from cotton yarn and cotton fabric is only a mixed product if the cotton fabric is itself a mixed fabric being made from two or more different basic textile materials or if the cotton yarns used are themselves mixtures.
- For example, if the tufted textile fabric concerned had been made from cotton yarn and synthetic fabric, then, obviously, two separate basic textile materials would have been used.

- For example, a carpet with tufts made both from artificial yarns and tufts made from cotton yarns and with a jute backing is a mixed product because three basic textile materials are used. Thus, any non-originating materials that are used at a later stage of manufacture than the rule allows, may be used, provided their total weight taken together does not exceed 10 % of the weight of the textile materials in the carpet. Thus, the jute backing, the artificial yarns and/or the cotton yarns could be imported at that stage of manufacture, provided the weight conditions are met.
- 6.3. In the case of fabrics incorporating 'yarn made of polyurethane segmented with flexible segments of polyether whether or not gimped' this tolerance is 20 % in respect of this yarn.
- 6.4. In the case of fabrics incorporating strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of an adhesive between two films of plastic film, this tolerance is 30 % in respect of this strip.

Note 7:

- 7.1. In the case of those textile products, which are marked in the list by a footnote referring to this Introductory Note, textile trimmings and accessories which do not satisfy the rule set out in the list in column 3 for the made up product concerned may be used provided that their weight does not exceed 10 % of the total weight of all the textile materials incorporated.
Textile trimmings and accessories are those classified in Chapters 50 to 63. Linings and interlinings are not to be regarded as trimmings or accessories.
- 7.2. Any non-textile trimmings and accessories or other materials used which contain textiles do not have to satisfy the conditions set out in column 3 even though they fall outside the scope of Note 4.3.
- 7.3. In accordance with Note 4.3, any non-originating non-textile trimmings and accessories or other product, which do not contain any textiles, may, anyway, be used freely where they cannot be made from the materials listed in column 3.
— For example, if a rule in the list says that for a particular textile item, such as a blouse, yarn must be used this does not prevent the use of metal items, such as buttons, because they cannot be made from textile materials.
- 7.4. Where a percentage rule applies, the value of trimmings and accessories must be taken into account when calculating the value of the non-originating materials incorporated.

HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
0201	Meat of bovine animals, fresh or chilled	Manufacture from materials of any heading except meat of bovine animals, frozen of heading No 0202
0202	Meat of bovine animals, frozen	Manufacture from materials of any heading except meat of bovine animals, fresh or chilled of heading No 0201
0206	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen	Manufacture from materials of any heading except carcasses of headings Nos 0201 to 0205
0210	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal	Manufacture from materials of any heading except meat and offal of heading Nos 0201 to 0206 and 0208 or poultry liver of heading No 0207
0302 to 0305	Fish, other than live fish	Manufacture in which all the materials of Chapter 3 used must already be originating

(1)	(2)	(3)
0402, 0404 to 0406	Dairy products	Manufacture from materials of any heading except milk or cream of heading No 0401 or 0402
0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit or cocoa	Manufacture in which: — all the materials of Chapter 4 used must already be originating, — any fruit juice (except those of pineapple, lime or grapefruit) of heading No 2009 used must be originating, and — the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked, by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter	Manufacture from materials of any heading except birds' eggs of heading No 0407
ex 0502	Prepared pigs', hogs' or boars' bristles and hair	Cleaning, disinfecting, sorting and straightening of bristles and hair
ex 0506	Bones and horn-cores unworked	Manufacture in which all the materials of Chapter 2 used must already be originating
0710 to 0713	Edible vegetables, frozen or dried, provisionally preserved except for heading Nos ex 0710 and ex 0711	Manufacture in which all the vegetable materials used must already be originating
ex 0710	Sweet corn (uncooked or cooked by steaming or boiling in water), frozen	Manufacture from fresh or chilled sweet corn
ex 0711	Sweet corn, provisionally preserved	Manufacture from fresh or chilled sweet corn
0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter: — Containing added sugar — Other	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the value of the ex-works price of the product Manufacture in which all the fruit or nuts used must already be originating
0812	Fruit and nuts provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption	Manufacture in which all the fruit or nuts used must already be originating
0813	Fruit, dried, other than that of heading Nos 0801 to 0806; mixtures of nuts or dried fruits of this chapter	Manufacture in which all the fruit or nuts used must already be originating
0814	Peel of citrus fruit or melons (including water-melons), fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions	Manufacture in which all the fruit or nuts used must already be originating

(1)	(2)	(3)
ex Chapter 11	Products of the milling industry; malt, starches; inulin; wheat gluten, except for heading No ex 1106	Manufacture in which all the cereals, edible vegetables, roots and tubers of heading No 0714 or fruit used must already be originating
ex 1106	Flour and meal of the dried, shelled leguminous vegetables of heading No 0713	Drying and milling of leguminous vegetables of heading No 0708
1301	Lac; natural gums, resins, gum-resins and balsams	Manufacture in which the value of any materials of heading No 1301 used may not exceed 50 % of the ex-works price of the product
1501	Lard; other pig fat and poultry fat, rendered, whether or not pressed or solvent-extracted: — Fats from bones or waste	Manufacture from materials of any heading except those of heading Nos 0203, 0206 or 0207 or bones of heading No 0506
	— Other	Manufacture from meat or edible offal of swine of heading Nos 0203 or 0206 or of meat and edible offal of poultry of heading No 0207
1502	Fats of bovine animals, sheep or goats, raw or rendered, whether or not pressed or solvent-extracted: — Fats from bones or waste	Manufacture from materials of any heading except those of heading Nos 0201, 0202, 0204 or 0206 or bones of heading No 0506
	— Other	Manufacture in which all the animal materials of Chapter 2 used must already be originating
1504	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified: — Solid fractions of fish oils and fats and oils of marine mammals — Other	Manufacture from materials of any heading including other materials of heading No 1504 Manufacture in which all the animal materials of Chapters 2 and 3 used must already be originating
ex 1505	Refined lanolin	Manufacture from crude wool grease of heading No 1505
1506	Other animal fats and oils and their fractions, whether or not refined, but not chemically modified: — Solid fractions — Other	Manufacture from materials of any heading including other materials of heading No 1506 Manufacture in which all the animal materials of Chapter 2 used must already be originating
ex 1507 to 1515	Fixed vegetable oils and their fractions, whether or not refined, but not chemically modified: — Solid fractions, except for that of Jojoba oil	Manufacture from other materials of heading Nos 1507 to 1515

(1)	(2)	(3)
ex 1507 to 1515 (cont'd)	<ul style="list-style-type: none"> — Other, except for: <ul style="list-style-type: none"> — Lung oil; myrtle wax and Japan wax — Those for technical or industrial uses other than the manufacture of foodstuffs for human Consumption 	Manufacture in which all the vegetable materials used must already be originating
ex 1516	Animal or vegetable fats and oils and their fractions, re-esterified, whether or not refined but not further prepared	Manufacture in which all the animal and vegetable materials used must already be originating
ex 1517	Edible liquid mixtures of vegetable oils of heading Nos 1507 to 1515	Manufacture in which all the vegetable materials used must already be originating
ex 1519	Industrial fatty alcohols having the character of artificial waxes	Manufacture from materials of any heading including fatty acids of heading No 1519
1601	<i>Sausages and similar products, of meat, meat offal or blood; food preparations based on these products</i>	Manufacture from animals of Chapter 1
1602	Other prepared or preserved meat, meat offal or blood	Manufacture from animals of Chapter 1
1603	Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates	Manufacture from animals of Chapter 1. However, all fish, crustaceans, molluscs or other aquatic invertebrates used must already be originating
1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs	Manufacture in which all the fish or fish eggs used must already be originating
1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved	Manufacture in which all the crustaceans, molluscs or other aquatic invertebrates used must already be originating
ex 1701	Cane or beet sugar and chemically pure sucrose, in solid form, flavoured or coloured	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product.
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel: <ul style="list-style-type: none"> — Chemically pure maltose and fructose — Other sugars in solid form, flavoured or coloured — Other 	Manufacture from materials of any heading including other materials of heading No 1702 Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product. Manufacture in which all the materials used must already be originating
ex 1703	Molasses resulting from the extraction or refining of sugar, flavoured or coloured	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product.
1704	Sugar confectionery (including white chocolate), not containing cocos	Manufacture in which all the materials used are classified in a heading other than that of the product, provided the value of any other materials of Chapter 17 used does not exceed 30 % of the ex works price of the product

(1)	(2)	(3)
1806	Chocolate and other food preparations containing cocoa	Manufacture in which all the materials used are classified in a heading other than that of the product, provided the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product
1901	<p>Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 %, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included:</p> <p>— Malt extract</p> <p>— Other</p>	<p>Manufacture from cereals of Chapter 10</p> <p>Manufacture in which all the materials used are classified in a heading other than that of the product, provided the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product</p>
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared	Manufacture in which all the cereals (except durum wheat), meat, meat offal, fish, crustaceans or molluscs used must already be originating
1903	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or in similar forms	Manufacture from materials of any heading except potato starch of heading No 1108
1904	<p>Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, other than maize (corn), in grain form, pre-cooked or otherwise prepared:</p> <p>— Not containing cocoa</p> <p>— Containing cocoa</p>	<p>Manufacture in which:</p> <p>— all the cereals and flour (except maize of the species <i>Zea indurata</i> and durum wheat and their derivatives) used must be wholly obtained, and</p> <p>— the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product</p> <p>Manufacture from materials not classified in heading No 1806, provided the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product</p>
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	Manufacture from materials of any heading, except those of Chapter 11
2001	Vegetables, fruit nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid	Manufacture in which all the fruit, nuts or vegetables used must already be originating
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid	Manufacture in which all the tomatoes used must already be originating
2003	Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid	Manufacture in which all the mushrooms or truffles used must already be originating

(1)	(2)	(3)
2004 and 2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen or not frozen	Manufacture in which all the vegetables used must already be originating
2006	Fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallized)	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter	Manufacture in which the value of any materials of Chapter 17 used must not exceed 30 % of the ex works price of the product
2008	Fruit, nuts and other edible parts of plants otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:	
	— Fruit and nuts cooked otherwise than by steaming or boiling in water, not containing added sugar, frozen	Manufacture in which all the fruit and nuts used must already be originating
	— Nuts, not containing added sugar or spirits	Manufacture in which the value of the originating nuts and oil seeds of heading Nos 0801, 0802 and 1202 to 1207 used exceeds 60 % of the ex works price of the product
	— Other	Manufacture in which all the materials used are classified in a heading other than that of the product, provided the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product
ex 2009	Fruit juices (including grape must), unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter	Manufacture in which all the materials used are classified in a heading other than that of the product, provided the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product
ex 2101	Roasted chicory and extracts, essences and concentrates thereof	Manufacture in which all the chicory used must already be originating
ex 2103	— Sauces and preparations therefor; mixed condiments and mixed seasonings	Manufacture in which all the materials used are classified in a heading other than that of the product. However, mustard flour or meal or prepared mustard may be used
	— Prepared mustard	Manufacture from mustard flour or meal
ex 2104	— Soups and broths and preparations therefor	Manufacture from materials of any heading, except prepared or preserved vegetables of heading Nos 2002 to 2005
	— Homogenized composite food preparations	The rule for the heading in which the product would be classified in bulk shall apply
ex 2106	Sugar syrups, flavoured or coloured	Manufacture in which the value of any materials of Chapter 17 used must not exceed 30 % of the ex works price of the product
2201	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured; ice and snow	Manufacture in which all the water used must already be originating

(1)	(2)	(3)
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009	Manufacture in which all the materials used are classified in a heading other than that of the product, provided the value of any materials of Chapter 17 used does not exceed 30 % of the ex works price of the product and any fruit juice used (except for pineapple, lime and grapefruit juices) must already be originating
ex 2204	Wine of fresh grapes, including fortified wines, and grape must with the addition of alcohol	Manufacture from other grape must
2205	The following, containing grape materials:	Manufacture from materials of any heading, except grapes or any material derived from grapes
ex 2207, ex 2208 and ex 2209	vermouth and other wine of fresh grapes flavoured with plants or aromatic substances; ethyl alcohol and other spirits, denatured or not; spirits, liqueurs and other spirituous beverages; compound alcoholic preparations of a kind used for the manufacture of beverages; vinegar	
ex 2208	Whiskies of an alcoholic strength by volume of less than 50 % vol.	Manufacture in which the value of any cereal based spirits used does not exceed 15 % of the ex works price of the product
ex 2303	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product, exceeding 40 % by weight	Manufacture in which all the maize used must already be originating
ex 2306	Oil cake and other solid residues resulting from the extraction of olive oil, containing more than 3 % of olive oil	Manufacture in which all the olives used must already be originating
2309	Preparations of a kind used in animal feeding	Manufacture in which all the cereals, sugar or molasses, must or milk used must already be originating
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes	Manufacture in which at least 70 % by weight of the unmanufactured tobacco or tobacco refuse of heading No 2401 used must already be originating
ex 2403	Smoking tobacco	Manufacture in which at least 70 % by weight of the unmanufactured tobacco or tobacco refuse of heading No 2401 used must already be originating
ex 2504	Natural crystalline graphite, with enriched carbon content, purified and ground	Enriching of the carbon content, purifying and grinding of crude crystalline graphite
ex 2515	Marble, merely cut by sawing or otherwise into blocks or slabs of a rectangular (including square) shape, of a thickness not exceeding 25 cm	Cutting, by sawing or otherwise, of marble (even if already sawn) of a thickness exceeding 25 cm
ex 2516	Granite porphyry, basalt, sandstone and other monumental and building stones, merely cut by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape, of a thickness not exceeding 25 cm	Cutting, by sawing or otherwise, of stones (even if already sawn) of a thickness exceeding 25 cm
ex 2518	Calcined dolomite	Calcination of dolomite not calcined

(1)	(2)	(3)
ex 2519	Crushed natural magnesium carbonate (magnesite), in hermetically sealed containers, and magnesium oxide, whether or not pure, other than fused magnesia or dead-burned (sintered) magnesia	Manufacture in which all the materials used are classified in a heading other than that of the product. However, natural magnesium carbonate (magnesite) may be used
ex 2520	Plasters specially prepared for dentistry	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 2524	Natural asbestos fibres	Manufacture from asbestos concentrate
ex 2525	Mica powder	Grinding of mica or mica waste
ex 2530	Earth colours, calcined or powdered	Calcination or grinding of earth colours
ex 2707	Oils in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents, being oils similar to mineral oils obtained by distillation of high temperature coal tar, of which more than 65 % by volume distils at a temperature of up to 250 °C (including mixtures of petroleum spirit and benzole), for use as power or heating fuels	These are Annex II products
2709 to 2715	Mineral oils and products of their distillation; bituminous substances; mineral waxes	These are Annex II products
ex Chapter 28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare earth metals, of radioactive elements or of isotopes; except for heading Nos ex 2811 and ex 2833 for which the rules are set out below	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product
ex 2811	Sulphur trioxide	Manufacture from sulphur dioxide
ex 2833	Aluminium sulphate	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
ex Chapter 29	Organic chemicals, except for heading Nos ex 2901, ex 2902, ex 2905, 2915, ex 2932, 2933 and 2934, for which the position is set out below	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product
ex 2901	Acyclic hydrocarbons for use as power or heating fuels	These are Annex II products
ex 2902	Cyclanes and cyclenes (other than azulenes), benzene, toluene, xylenes, for use as power or heating fuels	These are Annex II products
ex 2905	Metal alcoholates of alcohols of this heading and of ethanol or glycerol	Manufacture from materials of any heading, including other materials of heading No 2905. However, metal alcoholates of this heading may be used, provided their value does not exceed 20 % of the ex works price of the product
2915	Saturated acyclic monocarboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading. However, the value of all the materials of heading Nos 2915 and 2916 used may not exceed 20 % of the ex works price of the product
ex 2932	— Internal ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading. However, the value of all the materials of heading No 2909 used may not exceed 20 % of the ex works price of the product

(1)	(2)	(3)
ex 2932 (cont'd)	— Cyclic acetals and internal hemiacetals and their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading
2933	Heterocyclic compounds with nitrogen heteroatom(s) only; nucleic acids and their salts:	Manufacture from materials of any heading. However, the value of all the materials of heading Nos 2932 and 2933 used may not exceed 20 % of the ex works price of the product
2934	Other heterocyclic compounds	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product
ex Chapter 30	Pharmaceutical products, except for heading Nos 3002, 3003 and 3004, for which the rules are set out below	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product
3002	<p>Human blood; animal blood prepared for therapeutic, prophylactic or diagnostic uses; antisera and other blood fractions; vaccines, toxins, cultures of micro-organisms (excluding yeasts) and similar products:</p> <p>— Products consisting of two or more constituents which have been mixed together for therapeutic or prophylactic uses or unmixed products for these uses, put up in measured doses or in forms or packings for retail sale</p> <p>— Other:</p> <p>— Human blood</p> <p>— Animal blood prepared for therapeutic or prophylactic uses</p> <p>— Blood fractions other than antisera, haemoglobin and serum globulin</p> <p>— Haemoglobin, blood globulin and serum globulin</p> <p>— Other</p>	<p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20 % of the ex works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20 % of the ex works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20 % of the ex works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20 % of the ex works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20 % of the ex works price of the product</p>

(1)	(2)	(3)
3003 and 3004	Medicaments (excluding goods of heading Nos 3002, 3005 or 3006)	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product. However, materials of heading No 3003 or 3004 may be used provided their value, taken together, does not exceed 20 % of the ex works price of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex Chapter 31	Fertilizers except for heading No ex 3105 for which the rule is set out below	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product</p>
ex 3105	<p>Mineral or chemical fertilizers containing two or three of the fertilizing elements nitrogen, phosphorus and potassium; other fertilizers; goods of this chapter, in tablets or similar forms or in packages of a gross weight not exceeding 10 kg, except for:</p> <ul style="list-style-type: none"> — Sodium nitrate — Calcium cyanamide — Potassium sulphate — Magnesium potassium sulphate 	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex Chapter 32	Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks; except for heading Nos ex 3201 and 3205, for which the rules are set out below	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product</p>
ex 3201	Tannins and their salts, ethers, esters and other derivatives	<p>Manufacture from tanning extracts of vegetable origin</p>
3205	Colour lakes; preparations as specified in note 3 to this chapter based on colour lakes (*)	<p>Manufacture from materials of any heading, except heading Nos 3202 and 3204 provided the value of any materials classified in heading No 3205 does not exceed 20 % of the ex works price of the product</p>
ex Chapter 33	Essential oils and resinoids; perfumery, cosmetic or toilet preparations; except for heading No 3301, for which the rule is set out below	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product</p>
3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpeneation of essential oils; aqueous distillates and aqueous solutions of essential oils	<p>Manufacture from materials of any heading, including materials of a different 'group' (*) within this heading. However, materials of the same group may be used, provided their value does not exceed 20 % of the ex works price of the product</p>

(*) Note 3 to Chapter 32 says that these preparations are those of a kind used for colouring any material or used as ingredients in the manufacturing of colouring preparations, provided they are not classified within another heading in Chapter 32.

(*) A 'group' is regarded as any part of the heading separated from the rest by a semi-colon.

(1)	(2)	(3)
ex Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, 'dental waxes' and dental preparations with a basis of plaster; except for heading Nos ex 3403 and 3404, for which the position is set out below	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product
ex 3403	Lubricating preparations containing petroleum oils or oils obtained from bituminous minerals, provided they represent less than 70 % by weight	These are Annex II products
ex 3404	Artificial waxes and prepared waxes: — With a basis of paraffin, petroleum waxes, waxes obtained from bituminous minerals, slack wax or scale wax — Other	These are Annex II products Manufacture from materials of any heading, except: — hydrogenated oils having the character of waxes of heading No 1516 — fatty acids not chemically defined or industrial fatty alcohols having the character of waxes of heading No 1519 — materials of heading No 3404. However, these materials may be used provided their value does not exceed 20 % of the ex works price of the product
ex Chapter 35	Albuminoid substances; modified starches; glues; enzymes; except for heading Nos 3505 and ex 3507 for which the rules are set out below	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product
3505	Dextrins and other modified starches (for example, pregelatinized or esterified starches); glues based on starches, or on dextrans or other modified starches: — Starch ethers and esters — Other	Manufacture from materials of any heading, including other materials of heading No 3505 Manufacture from materials of any heading, except those of heading No 1108
ex 3507	Prepared enzymes not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
Chapter 36	Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product
ex Chapter 37	Photographic or cinematographic goods; except for heading Nos 3701, 3702 and 3704 for which the rules are set out below	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product

(1)	(2)	(3)
3701	Photographic plates and film in the flat, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in the flat, sensitized, unexposed, whether or not in packs	Manufacture in which all the materials used are classified in a heading other than heading No 3702
3702	Photographic film in rolls, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in rolls, sensitized, unexposed	Manufacture in which all the materials used are classified within a heading other than heading No 3701 or 3702
3704	Photographic plates, film, paper, paperboard and textiles, exposed but not developed	Manufacture in which all the materials used are classified within a heading other than heading Nos 3701 to 3704
ex Chapter 38	Miscellaneous chemical products; except for heading Nos ex 3801, ex 3803, ex 3805, ex 3806, ex 3807, 3808 to 3814, 3818 to 3820, 3822 and 3823 for which the rules are set out below:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product
ex 3801	<ul style="list-style-type: none"> — Colloidal graphite in suspension in oil and semi-colloidal graphite; carbonaceous pastes for electrodes — Graphite in paste form, being a mixture of more than 30 % by weight of graphite with mineral oils 	<p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product</p> <p>Manufacture from materials of any heading. However, the value of the materials of heading No 3403 used must not exceed 20 % of the ex works price of the product</p>
ex 3803	Refined tall oil	Refining of crude tall oil
ex 3805	Spirits of sulphate turpentine, purified	Purification by distillation or refining of raw spirits of sulphate turpentine
ex 3806	Ester gums	Manufacture from resin acids
ex 3807	Wood pitch (wood tar pitch)	Distillation of wood tar
3808 to 3814 3818 to 3820 3822 and 3823	<p>Miscellaneous chemical products:</p> <ul style="list-style-type: none"> — Prepared additives for lubricating oil, containing petroleum oils or oils obtained from bituminous minerals, of heading No 3811 — The following of heading No 3823: <ul style="list-style-type: none"> — Prepared binders for foundry moulds or cores based on natural resinous products — Naphthenic acids, their water insoluble salts and their esters — Sorbitol other than that of heading No 2905 — Petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethanofamines; thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts — Ion exchangers — Getters for vacuum tubes — Alkaline iron oxide for the purification of gas 	<p>These are Annex II products</p> <p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex works price of the product</p>

(1)	(2)	(3)
3808 to 3814 3818 to 3820 3822 and 3823 (cont'd)	<ul style="list-style-type: none"> — Ammoniacal gas liquors and spent oxide produced in coal gas purification — Sulphonaphthenic acids, their water insoluble salts and their esters — Fusel oil and Dippel's oil — Mixtures of salts having different anions — Copying pastes with a basis of gelatin, whether or not on a paper or textile backing — Other 	<p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product</p>
3901 to 3915	<p>Plastics in primary forms, waste, parings and scrap, of plastic:</p> <ul style="list-style-type: none"> — Addition homopolymerization products — Other 	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — the value of all the materials used does not exceed 50 % of the ex works price of the product, and — the value of any materials of Chapter 39 used does not exceed 20 % of the ex works price of the product (*) <p>Manufacturing in which the value of the materials of Chapter 39 used does not exceed 20 % of the ex works price of the product (*)</p>
3916 to 3921	<p>Semi-manufactures of plastics:</p> <ul style="list-style-type: none"> — Flat products, further worked than only surface-worked or cut into forms other than rectangles; other products, further worked than only surface-worked — Other: <ul style="list-style-type: none"> — Addition homopolymerization products — Other 	<p>Manufacture in which the value of any materials of Chapter 39 used does not exceed 50 % of the ex works price of the product</p> <p>Manufacture in which:</p> <ul style="list-style-type: none"> — the value of all the materials used does not exceed 50 % of the ex works price of the product, and — the value of any materials of Chapter 39 used does not exceed 20 % of the ex works price of the product (*) <p>Manufacture in which the value of any materials of Chapter 39 used does not exceed 20 % of the ex works price of the product (*)</p>
3922 to 3926	Articles of plastic	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 4001	Laminated slabs of crepe rubber for shoes	Lamination of sheets of natural rubber
4005	Compounded rubber, unvulcanized, in primary forms or in plates, sheets or strip	Manufacture in which the value of all the materials used, except natural rubber, does not exceed 50 % of the ex works price of the product
4012	Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, interchangeable tyre treads and tyre flaps of rubber	Manufacture from materials of any heading, except those of heading Nos 4011 or 4012
ex 4017	Articles of hard rubber	Manufacture from hard rubber

(*) In the case of products composed of materials classified within both heading Nos 3901 to 3906, on the one hand, and within heading Nos 3907 to 3911, on the other hand, this restriction only applies to that group of materials which predominates by weight in the product.

(1)	(2)	(3)
ex 4102	Raw skins of sheep or lambs, without wool on	Removal of wool from sheep or lamb skins, with wool on
4104 to 4107	Leather, without hair or wool other than leather of heading No 4108 or 4109	Retanning of pre-tanned leather or Manufacture in which all the materials used are classified in a heading other than that of the product
4109	Patent leather and patent laminated leather; metallized leather	Manufacture from leather of heading Nos 4104 to 4107 provided its value does not exceed 50 % of the ex works price of the product
ex 4302	Tanned or dressed furskins, assembled: — Plates, crosses and similar forms — Other	Bleaching or dyeing, in addition to cutting and assembly of non-assembled tanned or dressed furskins Manufacture from non-assembled, tanned or dressed furskins (*)
4303	Articles of apparel, clothing accessories and other articles of fur skin	Manufacture from non-assembled, tanned or dressed furskins, of heading No 4302 (*)
ex 4403	Wood roughly squared	Manufacture from wood in the rough, whether or not stripped of its bark or merely roughed down
ex 4407	Wood sawn or chipped lengthwise, sliced or peeled, of a thickness exceeding 6 mm, planed, sanded or finger-jointed	Planing, sanding or finger-jointing
ex 4408	Veneer sheets and sheets for plywood, of a thickness not exceeding 6 mm, spliced, and other wood sawn lengthwise, sliced or peeled, of a thickness not exceeding 6 mm, planed, sanded or finger-jointed	Splicing, planing, sanding or finger-jointing
ex 4409	— Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges or faces, sanded or finger-jointed — Beadings and mouldings	Sanding or finger-jointing Beadings or moulding
ex 4410 to ex 4413	Beadings and mouldings, including moulded skirting and other moulded boards	Beadings or moulding
ex 4415	Packing cases, boxes, crates, drums and similar packings, of wood	Manufacture from boards not cut to size
ex 4416	Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood	Manufacture from riven staves, not further worked than sawn on the two principal surfaces
ex 4418	— Builders' joinery and carpentry of wood — Beadings and mouldings	Manufacture in which all the materials used are classified within a heading other than that of the product. However, cellular wood panels, shingles and shales may be used Beadings or moulding
ex 4421	Match splints; wooden pegs or pins for footwear	Manufacture from wood of any heading except drawn wood of heading No 4409

(*) Until 31 March 1990, assembled suzuki, grey Siberian squirrel and hamster skins of heading No 4302 may be used.

(1)	(2)	(3)
4503	Articles of natural cork	Manufacture from cork of heading No 4501
ex 4811	Paper and paperboard, ruled, lined or squared only	Manufacture from paper-making materials of Chapter 47
4816	Carbon paper, self-copy paper and other copying or transfer papers (other than those of heading No 4809), duplicator stencils and offset plates, of paper, whether or not put up in boxes	Manufacture from paper-making materials of Chapter 47
4817	Envelopes, letter cards, plain postcards and correspondence cards, of paper or paperboard; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing an assortment of paper stationery	Manufacture in which: — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 4818	Toilet paper	Manufacture from paper-making materials of Chapter 47
ex 4819	Cartons, boxes, cases, bags and other packing containers, of paper, paperboard, cellulose wadding or webs of cellulose fibres	Manufacture in which: — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 4820	Letter pads	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 4823	Other paper, paperboard, cellulose wadding and webs of cellulose fibres, cut to size or shape	Manufacture from paper-making materials of Chapter 47
4909	Printed or illustrated postcards; printed cards bearing personal greetings, messages or announcements, whether or not illustrated, with or without envelopes or trimmings	Manufacture from materials not classified within heading No 4909 or 4911
4910	Calendars of any kind, printed, including calendar blocks: — Calenders of the 'perpetual' type or with replaceable blocks mounted on bases other than paper or paperboard — Other	Manufacture in which: — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product Manufacture from materials not classified within heading No 4909 or 4911
ex 5003	Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock), carded or combed	Carding or combing of silk waste
5501 to 5507	Man-made staple fibres	Manufacture from chemical materials or textile pulp
ex Chapter 50 to Chapter 55	Yarn, monofilament and thread	Manufacture from (*): — natural fibres not carded or combed or otherwise processed for spinning, — chemical materials or textile pulp, or — paper-making materials

(*) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

(1)	(2)	(3)
ex Chapter 50 to Chapter 55	<p>Woven fabrics:</p> <ul style="list-style-type: none"> — Incorporating rubber thread — Other 	<p>Manufacture from single yarn (*)</p> <p>Manufacture from (*):</p> <ul style="list-style-type: none"> — coir yarn, — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, — chemical materials or textile pulp, or — paper <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex works price of the product</p>
ex Chapter 56	<p>Wadding, felt and non-wovens; special yarns, twine cordage, ropes and cables and articles thereof except for heading Nos 5602, 5604, 5605 and 5606, for which the rules are set out below</p>	<p>Manufacture from (*):</p> <ul style="list-style-type: none"> — coir yarn, — natural fibres, — chemical materials or textile pulp, or — paper-making materials
5602	<p>Felt, whether or not impregnated, coated, covered or laminated:</p> <ul style="list-style-type: none"> — Needleloom felt 	<p>Manufacture from (*):</p> <ul style="list-style-type: none"> — natural fibres, — chemical materials or textile pulp <p>However:</p> <ul style="list-style-type: none"> — polypropylene filament of heading No 5402, — polypropylene fibres of heading No 5503 or 5506, or — polypropylene filament tow of heading No 5501, of which the denomination in all cases of a single filament or fibre is less than 9 decitex may be used provided that their value does not exceed 40 % of the ex works price of the product
	<ul style="list-style-type: none"> — Other 	<p>Manufacture from (*):</p> <ul style="list-style-type: none"> — natural fibres, — man-made staple fibres made from casein, or — chemical materials or textile pulp
5604	<p>Rubber thread and cord, textile covered; textile yarn, and strip and the like of heading No 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics:</p> <ul style="list-style-type: none"> — Rubber thread and cord, textile covered 	<p>Manufacture from rubber thread or cord, not textile covered</p>

(*) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

(1)	(2)	(3)
5604 (cont'd)	— Other	Manufacture from (1): — natural fibres not carded or combed or otherwise processed for spinning, — chemical materials or textile pulp, or — paper-making materials
5605	Metallized yarn, whether or not gimped, being textile yarn, or strip or the like of heading No 5404 or 5405, combined with metal in the form of thread, strip or powder or covered with metal	Manufacture from (1): — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, — chemical materials or textile pulp, or — paper-making materials
5606	Gimped yarn, and strip and the like of heading No 5404 or 5405, gimped (other than those of heading No 5605 and gimped horsehair yarn); chenille yarn (including flock chenille yarn); loop wale-yarn	Manufacture from (1): — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, — chemical materials or textile pulp, or — paper-making materials
Chapter 57	Carpets and other textile floor coverings:	
	— Of needleloom felt	Manufacture from (1): — natural fibres, or — chemical materials or textile pulp. However: — polypropylene filament of heading No 5402, — polypropylene fibres of heading No 5503 or 5506, or — polypropylene filament tow of heading No 5501 of which the denomination in all cases of a single filament or fibre is less than 9 decitex may be used provided that their value does not exceed 40 % of the ex works price of the product
	— Of other felt	Manufacture from (1): — natural fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp
	— Other	Manufacture from (1): — coir yarn, — synthetic or artificial filament yarn, — natural fibres, or — man-made staple fibres not carded or combed or otherwise processed for spinning

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

(1)	(2)	(3)
ex Chapter 58	<p>Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings, embroidery, except for heading Nos 5805 and 5810; the rule for heading No 5810 is set out below:</p> <p>— Combined with rubber thread</p> <p>— Other</p>	<p>Manufacture from single yarn (*)</p> <p>Manufacture from (*):</p> <p>— natural fibres,</p> <p>— man-made staple fibres not carded or combed or otherwise processed for spinning, or</p> <p>— chemical materials or textile pulp</p> <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decauizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex works price of the product</p>
5810	Embroidery in the piece, in strips or in motifs	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
5901	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books or the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations	Manufacture from yarn
5902	<p>Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon:</p> <p>— Containing not more than 90 % by weight of textile materials</p> <p>— Other</p>	<p>Manufacture from yarn</p> <p>Manufacture from chemical materials or textile pulp</p>
5903	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading No 5902	Manufacture from yarn
5904	Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape	Manufacture from yarn (*)
5905	<p>Textile wall coverings:</p> <p>— Impregnated, coated, covered or laminated with rubber, plastics or other materials</p>	Manufacture from yarn

(*) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

(1)	(2)	(3)
5905 (cont'd)	— Other	<p>Manufacture from (1):</p> <ul style="list-style-type: none"> — coir yarn, — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex works price of the product</p>
5906	<p>Rubberized textile fabrics, other than those of heading No 5902:</p> <ul style="list-style-type: none"> — Knitted or crocheted fabrics — Other fabrics made of synthetic filament yarn, containing more than 90 % by weight of textile materials — Other 	<p>Manufacture from (1):</p> <ul style="list-style-type: none"> — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp <p>Manufacture from chemical materials</p> <p>Manufacture from yarn</p>
5907	Textile fabrics otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio backcloths or the like	Manufacture from yarn
ex 5908	Incandescent gas mantles, impregnated	Manufacture from tubular knitted gas mantle fabric
5909 to 5911	<p>Textile articles of a kind suitable for industrial use:</p> <ul style="list-style-type: none"> — Polishing discs or rings other than of felt of heading No 5911 — Other 	<p>Manufacture from yarn or waste fabrics or rags of heading No 6310</p> <p>Manufacture from (1):</p> <ul style="list-style-type: none"> — coir yarn, — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp
Chapter 60	Knitted or crocheted fabrics	<p>Manufacture from (1):</p> <ul style="list-style-type: none"> — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

(1)	(2)	(3)
Chapter 61	<p>Articles of apparel and clothing accessories, knitted or crocheted:</p> <p>— Obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form</p> <p>— Other</p>	<p>Manufacture from yarn (*)</p> <p>Manufacture from (*):</p> <p>— natural fibres,</p> <p>— man-made staple fibres not carded or combed or otherwise processed for spinning, or</p> <p>— chemical materials or textile pulp</p>
ex Chapter 62	<p>Articles of apparel and clothing accessories, not knitted or crocheted, except for heading Nos ex 6202, ex 6204, ex 6206, ex 6209, ex 6210, 6213, 6214, ex 6216 and ex 6217 for which the rules are set out below</p>	<p>Manufacture from yarn (*)</p>
ex 6202 ex 6204 ex 6206 ex 6209 and ex 6217	<p>Women's, girls' and babies' clothing and 'other made-up clothing accessories', embroidered</p>	<p>Manufacture from yarn (*)</p> <p>or</p> <p>Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40 % of the ex works price of the product (*)</p>
ex 6210 ex 6216 and ex 6217	<p>Fire-resistant equipment of fabric covered with foil of aluminized polyester</p>	<p>Manufacture from yarn (*)</p> <p>or</p> <p>Manufacture from uncoated fabric provided the value of the uncoated fabric used does not exceed 40 % of the ex works price of the product (*)</p>
6213 and 6214	<p>Handkerchiefs, shawls, scarves, mufflers, mantillas, veils and the like:</p> <p>— Embroidered</p> <p>— Other</p>	<p>Manufacture from unbleached single yarn (*) (*)</p> <p>or</p> <p>Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40 % of the ex works price of the product (*)</p> <p>Manufacture from unbleached single yarn (*) (*)</p>
6301 to 6304	<p>Blankets, travelling rugs, bed linen etc.; curtains, etc.; other furnishing articles:</p> <p>— Of felt, of non-wovens</p> <p>— Other:</p> <p>— Embroidered</p> <p>— Other</p>	<p>Manufacture from (*):</p> <p>— natural fibres, or</p> <p>— chemical materials or textile pulp</p> <p>Manufacture from unbleached single yarn (*)</p> <p>or</p> <p>Manufacture from unembroidered fabric (other than knitted or crocheted) provided the value of the unembroidered fabric used does not exceed 40 % of the ex works price of the product</p> <p>Manufacture from unbleached single yarn (*)</p>

(*) See Introductory Note 7 for the treatment of textile trimmings and accessories.

(*) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

(1)	(2)	(3)
6305	Sacks and bags, of a kind used for the packing of goods	Manufacture from (*): — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp
6306	Tarpaulins, sails for boats, sailboards or landcraft, awnings, sunblinds, tents and camping goods: — Of non-wovens — Other	Manufacture from (*): — natural fibres, or — chemical materials or textile pulp Manufacture from unbleached single yarn
ex 6307	Other made-up articles, including dress patterns	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product (*)
6308	Sets consisting of woven fabric and yarn, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes or similar textile articles, put up in packings for retail sale	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated provided their total value does not exceed 15 % of the ex works price of the set
6401 to 6405	Footwear	Manufacture from materials of any heading except for assemblies of uppers affixed to inner soles or to other sole components of heading No 6406
6503	Felt hats and other felt headgear, made from the hat bodies, hoods or plateaux of heading No 6501, whether or not lined or trimmed	Manufacture from yarn or textile fibres (*)
6505	Hats and other headgear, knitted or crocheted, or made up from lace, felt or other textile fabric, in the piece (but not in strips), whether or not lined or trimmed; hair-nets of any material, whether or not lined or trimmed	Manufacture from yarn or textile fibres (*)
6601	Umbrellas and sun umbrellas (including walking-stick umbrellas, garden umbrellas and similar umbrellas)	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 6803	Articles of slate or of agglomerated slate	Manufacture from worked slate
ex 6812	Articles of asbestos or of mixtures with a basis of asbestos or with a basis of asbestos and magnesium carbonate	Manufacture from fabricated asbestos fibres or from mixtures with a basis of asbestos or with a basis of asbestos and magnesium carbonate
ex 6814	Articles of mica; including agglomerated or reconstituted mica on a support of paper, paperboard or other materials	Manufacture from worked mica (including agglomerated or reconstituted mica)
7006	Glass of heading No 7003, 7004 or 7005, bent, edge-worked, engraved, drilled, enamelled or otherwise worked, but not framed or fitted with other materials	Manufacture from materials of heading No 7001

(*) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 6.

(*) For filter masks, manufacture from undrawn polyester staple fibres is permitted. This special provision shall apply until 31 March 1988.

(*) See Introductory Note 7 for the treatment of textile trimmings and accessories.

(1)	(2)	(3)
7007	Safety glass, consisting of toughened (tempered) or laminated glass	Manufacture from materials of heading No 7001
7008	Multiple-walled insulating units of glass	Manufacture from materials of heading No 7001
7009	Glass mirrors, whether or not framed, including rear-view mirrors	Manufacture from materials of heading No 7001
7010	Carboys, bottles, flasks, jars, pots, phials, ampoules and other containers, of glass, of a kind used for the conveyance or packing of goods; preserving jars of glass; stoppers, lids and other closures, of glass	Manufacture in which all the materials used are classified within a heading other than that of the product or Cutting of glassware, provided the value of the uncut glassware does not exceed 50 % of the ex works price of the product
7013	Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading No 7010 or 7018)	Manufacture in which all the materials used are classified within a heading other than that of the product and Cutting of glassware, provided the value of the uncut glassware does not exceed 50 % of the ex works price of the product or Hand-decoration (with the exception of silk screen printing) of hand-blown glassware, provided the value of the hand-blown glassware does not exceed 50 % of the ex works price of the product
ex 7019	Articles (other than yarn) of glass fibres	Manufacture from: — uncoloured slivers, rovings, yarn or chopped strands, or — glass wool
ex 7102 ex 7103 and ex 7104	Worked precious or semi-precious stones (natural, synthetic or reconstructed)	Manufacture from unworked precious or semi-precious stones
7106 7108 and 7110	Precious metals: — Unwrought	<i>Manufacture from materials not classified in heading No 7106, 7108 or 7110</i> or Electrolytic, thermal or chemical separation of precious metals of heading No 7106, 7108 or 7110 or Alloying of precious metals of heading No 7106, 7108 or 7110 with each other or with base metals Manufacture from unwrought precious metals
ex 7107 ex 7109 and ex 7111	Metals clad with precious metals, semi-manufactured	Manufacture from metals clad with precious metals, unwrought
7116	Articles of natural or cultured pearls, precious or semi-precious stones (natural, synthetic or reconstructed)	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
7117	Imitation jewellery	Manufacture in which all the materials used are classified within a heading other than that of the product or Manufacture from base metal parts, not plated or covered with precious metals, provided the value of all the materials used does not exceed 50 % of the ex works price of the product

(1)	(2)	(3)
7207	Semi-finished products of iron or non-alloy steel	Manufacture from materials of heading No 7201, 7202, 7203, 7204 or 7205
7208 to 7216	Flat-rolled products, bars and rods, angles, shapes and sections of iron or non-alloy steel	Manufacture from ingots or other primary forms of heading No 7206
7217	Wire of iron or non-alloy steel	Manufacture from semi-finished materials of heading No 7207
ex 7218 7219 to 7222	Semi-finished products, flat-rolled products, bars and rods, angles, shapes and sections of stainless steel	Manufacture from ingots or other primary forms of heading No 7218
7223	Wire of stainless steel	Manufacture from semi-finished materials of heading No 7218
ex 7224 7225 to 7227	Semi-finished products, flat-rolled products, bars and rods, in irregularly wound coils, of other alloy steel	Manufacture from ingots or other primary forms of heading No 7224
7228	Other bars and rods of other alloy steel; angles, shapes and sections, of other alloy steel; hollow drill bars and rods, of alloy or non-alloy steel	Manufacture from ingots or other primary forms of heading No 7206, 7218 or 7224
7229	Wire of other alloy steel	Manufacture from semi-finished materials of heading No 7224
ex 7301	Sheet piling	Manufacture from materials of heading No 7206
7302	Railway or tramway track construction material of iron or steel, the following: rails, check-rails and rack rails, switch blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialized for jointing or fixing rails	Manufacture from materials of heading No 7206
7304 7305 and 7306	Tubes, pipes and hollow profiles, of iron (other than cast iron) or steel	Manufacture from materials of heading No 7206, 7207, 7218 or 7224
7308	Structures (excluding prefabricated buildings of heading No 9406) and parts of structures (for example, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, doors and windows and their frames and thresholds for doors, shutters, balustrades, pillars and columns), of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	Manufacture in which all the materials used are classified within a heading other than that of the product. However, welded angles, shapes and sections of heading No 7301 may not be used
ex 7315	Skid-chains	Manufacture in which the value of all the materials of heading No 7315 used does not exceed 50 % of the ex works price of the product
ex 7322	Radiators for central heating, not electrically heated	Manufacture in which the value of all the materials of heading No 7322 used does not exceed 5 % of the ex works price of the product

(1)	(2)	(3)
ex Chapter 74	Copper and articles thereof, except for heading Nos 7401 to 7405; the rule for heading No ex 7403 is set out below	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 7403	Copper alloys, unwrought	Manufacture from refined copper, unwrought, or waste and scrap
ex Chapter 75	Nickel and articles thereof, except for heading Nos 7501 to 7503;	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex Chapter 76	Aluminium and articles thereof, except for heading Nos 7601 and 7602; the rules for heading Nos ex 7601 and ex 7616 are set out below	<p>Manufacture in which</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 7601	<ul style="list-style-type: none"> — Aluminium alloys — 'Super-pure' aluminium (ISO No Al 99.99) 	<p>Manufacture from aluminium, not alloyed, or waste and scrap</p> <p>Manufacture from aluminium, not alloyed (ISO No Al 99.8)</p>
ex 7616	Aluminium articles other than gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands) of aluminium wire, and expanded metal of aluminium	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product. However, gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands) of aluminium wire, or expanded metal of aluminium may be used, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
ex Chapter 78	Lead and articles thereof, except for heading Nos 7801 and 7802; the rule for heading No 7801 is set out below	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
7801	<p>Unwrought lead:</p> <ul style="list-style-type: none"> — Refined lead — Other 	<p>Manufacture from 'bullion' or 'work' lead</p> <p>Manufacture in which all the materials used are classified in a heading other than that of the product. However, waste and scrap of heading No 7802 may not be used</p>

(1)	(2)	(3)
ex Chapter 79	Zinc and articles thereof, except for heading Nos 7901 and 7902; the rule for heading No 7901 is set out below	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified in a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
7901	Unwrought zinc	<p>Manufacture in which all the materials used are classified in a heading other than that of the product. However, waste and scrap of heading No 7902 may not be used</p>
ex Chapter 80	Tin and articles thereof, except for heading Nos 8001, 8002 and 8007; the rule for heading No 8001 is set out below	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified in a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
8001	Unwrought tin	<p>Manufacture in which all the materials used are classified in a heading other than that of the product. However, waste and scrap of heading No 8002 may not be used</p>
ex Chapter 81	Other base metals, wrought; articles thereof	<p>Manufacture in which the value of all the materials classified in the same heading as the products used does not exceed 50 % of the ex works price of the product</p>
8206	Tools of two or more of the heading Nos 8202 to 8205, put up in sets for retail sale	<p>Manufacture in which all the materials used are classified in a heading other than heading Nos 8202 to 8205. However, tools of heading Nos 8202 to 8205 may be incorporated into the set provided their value does not exceed 15 % of the ex works price of the set</p>
8207	Interchangeable tools for hand tools, whether or not power-operated, or for machine-tools (for example, for pressing, stamping, punching, tapping, threading, drilling, boring, broaching, milling, turning or screwdriving), including dies for drawing or extruding metal, and rock-drilling or earth-boring tools	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified in a heading other than that of the product, and — the value of all the materials used does not exceed 40 % of the ex works price of the product
8208	Knives and cutting blades, for machines or for mechanical appliances	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified in a heading other than that of the product, and — the value of all the materials used does not exceed 40 % of the ex works price of the product

(1)	(2)	(3)
ex 8211	Knives with cutting blades, serrated or not (including pruning knives), other than knives of heading No 8208	Manufacture in which all the materials used are classified in a heading other than that of the product. However, knife blades and handles of base metal may be used
8214	Other articles of cutlery (for example, hair clippers, butcher's or kitchen cleavers, choppers and mincing knives, paper knives); manicure or pedicure sets and instruments (including nail files)	Manufacture in which all the materials used are classified in a heading other than that of the product. However, handles of base metal may be used
8215	Spoons, forks, ladles, skimmers, cake-servers, fish-knives, butter-knives, sugar tongs and similar kitchen or tableware	Manufacture in which all the materials used are classified in a heading other than that of the product. However, handles of base metal may be used
ex 8306	Statuettes and other ornaments, of base metal	Manufacture in which all the materials used are classified in a heading other than that of the product. However, the other materials of heading No 8306 may be used provided their value does not exceed 30 % of the ex works price of the product
ex Chapter 84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof; except for those falling within the following headings or parts of headings for which the rules are set out below: 8402, 8403, ex 8404, 8406 to 8409, 8411, 8412, ex 8413, ex 8414, 8415, 8418, ex 8419, 8420, 8423, 8425 to 8430, ex 8431, 8439, 8441, 8444 to 8447, ex 8448, 8452, 8456 to 8466, 8469 to 8472, 8480, 8482, 8484 and 8485	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 5 % of the ex works price of the product
8403 and ex 8404	Central heating boilers, other than those of heading No 8402, and auxiliary plant for central heating boilers	Manufacture in which all the materials used are classified in a heading other than heading No 8403 or 8404. However, materials which are classified in heading No 8403 or 8404 may be used provided their value, taken together, does not exceed 5 % of the ex works price of the product
8406	Steam turbines and other vapour turbines	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8407	Spark-ignition reciprocating or rotary internal combustion piston engines	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8409	Parts suitable for use solely or principally with the engines of heading No 8407 or 8408	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8412	Other engines and motors	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8415	Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product

(1)	(2)	(3)
8418	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other heat pumps other than air conditioning machines of heading No 8415	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 5 % of the ex works price of the product, and — where the value of all the non-originating materials used does not exceed the value of the originating materials used
ex 8419	Machines for the wood, paper pulp and paper board industries	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25 % of the ex works price of the product
8420	Calendering or other rolling machines, other than for metals or glass, and cylinders therefor	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25 % of the ex works price of the product
8425 to 8428	Lifting, handling, loading or unloading machinery	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified in heading No 8431 are only used up to a value of 5 % of the ex works price of the product
8429	Self-propelled bulldozers, angledozers, graders, levellers, scrapers, mechanical shovels, excavators, shovel loaders, temping machines and road rollers:	
	— Road rollers	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p>
	— Other	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the value of the materials classified within heading No 8431 are only used up to a value of 5 % of the ex works price of the product

(1)	(2)	(3)
8430	Other moving, grading, levelling, scraping, excavating, tamping, compacting, extracting or boring machinery, for earth, minerals or ores; pile-drivers and pile-extractors; snow-ploughs and snow-blowers	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the value of the materials classified within heading No 8431 are only used up to value of 5 % of the ex works price of the product
ex 8431	Parts for road rollers	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8439	Machinery for making pulp of fibrous cellulosic material or for making or finishing paper or paper-board	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25 % of the ex works price of the product
8441	Other machinery for making up paper pulp, paper or paperboard, including cutting machines of all kinds	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25 % of the ex works price of the product
8444 to 8447	Machines of these headings for use in the textile industry	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
ex 8448	Auxiliary machinery for use with machines for heading Nos 8444 and 8445	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8452	Sewing machines, other than book sewing machines of heading No 8440; furniture, bases and covers specially designed for sewing machines; sewing machine needles:	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, — where the value of all of the non-originating materials used in assembling the head (without motor) does not exceed the value of the originating materials used, and — the thread tension, crochet and zigzag mechanisms used are already originating
	— Other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8456 to 8466	Machine-tools and machines and their parts and accessories of heading Nos 8456 to 8466	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product

(1)	(2)	(3)
8469 to 8472	Office machines (for example, typewriters, calculating machines, automatic data-processing machines, duplicating machines, stapling machines)	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8480	Moulding boxes for metal foundry; mould bases; moulding patterns; moulds for metal (other than ingot moulds), metal carbides, glass, mineral materials, rubber or plastics	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
8484	Gaskets and similar joints of metal sheeting combined with other material or of two or more layers of metal; sets or assortments of gaskets and similar joints, dissimilar in composition, put up in pouches, envelopes or similar packings	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8485	Machinery parts, not containing electrical connectors, insulators, coils, contacts or other electrical features, not specified or included elsewhere in this chapter	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
ex Chapter 85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers and parts and accessories of such articles; except for those falling within the following headings or parts of headings for which the rules are set out below: 8501, 8502, ex 8518, 8519 to 8529, 8535 to 8537, ex 8541, 8542, 8544 to 8548	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 5 % of the ex works price of the product
8501	Electric motors and generators (excluding generating sets)	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within heading No 8503 are only used up to a value of 5 % of the ex works price of the product
8502	Electric generating sets and rotary converters	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within heading No 8501 or 8503, taken together, are only used up to a value of 5 % of the ex works price of the product
ex 8518	Microphones and stands therefor; loudspeakers, whether or not mounted in their enclosures; audio-frequency electric amplifiers; electric sound amplifier sets	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, — where the value of all the non-originating materials used does not exceed the value of the originating materials used, and — the value of all the transistors of heading No 8541 used does not exceed 3 % of the ex works price of the product

(1)	(2)	(3)
8519	Turntables (record-decks), record-players, cassette-players and other sound reproducing apparatus, not incorporating a sound recording device	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, — where the value of all the non-originating materials used does not exceed the value of the originating materials used, and — the value of all the transistors of heading No 8541 used does not exceed 3 % of the ex works price of the product
8520	Magnetic tape recorders and other sound recording apparatus, whether or not incorporating a sound reproducing device	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, — where the value of all the non-originating materials used does not exceed the value of the originating materials used, and, — the value of all the transistors of heading No 8541 used does not exceed 3 % of the ex works price of the product
8521	Video recording or reproducing apparatus	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, — where the value of all the non-originating materials used does not exceed the value of the originating materials used, and — the value of all the transistors of heading No 8541 used does not exceed 3 % of the ex works price of the product
8522	Parts and accessories of apparatus of heading Nos 8519 to 8521	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8523	Prepared unrecorded media for sound recording or similar recording of other phenomena, other than products of Chapter 37	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8524	Records, tapes and other recorded media for sound or other similarly recorded phenomena, including matrices and masters for the production of records, but excluding products of Chapter 37:	<ul style="list-style-type: none"> — Matrices and masters for the production of records Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product — Other Manufacture: <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within heading No 8523 are only used up to a value of 5 % of the ex works price of the product

(1)	(2)	(3)
8525	Transmission apparatus for radio-telephony, radio-telegraphy, radio-broadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, — where the value of all the non-originating materials used does not exceed the value of the originating materials used, and — the value of all the transistors of heading No 8541 used does not exceed 3 % of the ex works price of the product
8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, — where the value of all the non-originating materials used does not exceed the value of the originating materials used, and — the value of all the transistors of heading No 8541 used does not exceed 3 % of the ex works price of the product
8527	Reception apparatus for radio-telephony, radio-telegraphy or radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, — where the value of all the non-originating materials used does not exceed the value of the originating materials used, and — the value of all the transistors of heading No 8541 used does not exceed 3 % of the ex works price of the product
8528	Television receivers (including video monitors and video projectors), whether or not combined, in the same housing, with radio-broadcast receivers or sound or video recording or reproducing apparatus	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, — where the value of all the non-originating materials used does not exceed the value of the originating materials used, and — the value of all the transistors of heading No 8541 used does not exceed 3 % of the ex works price of the product
8529	<p>Parts suitable for use solely or principally with the apparatus of heading Nos 8525 to 8528</p> <ul style="list-style-type: none"> — Suitable for use solely or principally with video recording or reproducing apparatus — Other 	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p> <p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, — where the value of all the non-originating materials used does not exceed the value of the originating materials used, and — the value of all the transistors of heading No 8541 used does not exceed 3 % of the ex works price of the product

(1)	(2)	(3)
8535 and 8536	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within heading No 8538 are only used up to a value of 5 % of the ex works price of the product
8537	Boards, panels (including numerical control panels), consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading No 8535 or 8536, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of Chapter 90, other than switching apparatus of heading No 8517	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within heading No 8538 are only used up to a value of 5 % of the ex works price of the product
ex 8541	Diodes, transistors and similar semi-conductor devices, except wafers not yet cut into chips	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the products are only used up to a value of 5 % of the ex works price of the product
8542	Electronic integrated circuits and microassemblies	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within heading No 8541 or 8542, taken together, are only used up to a value of 5 % of the ex works price of the product
8544	Insulated (including enamelled or anodized) wire, cable (including co-axial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8545	Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or without metal, of a kind used for electrical purposes	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8546	Electrical insulators of any material	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8548	Electrical parts of machinery or apparatus, not specified or included elsewhere in this chapter	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8601 to 8607	Railway or tramway locomotives, rolling-stock and parts thereof	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8608	Railway or tramway track fixtures and fittings; mechanical (including electromechanical) signalling, safety or traffic control equipment for railways, tramways, roads, inland waterways, parking facilities, port installations or airfields; parts of the foregoing	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 5 % of the ex works price of the product

(1)	(2)	(3)
8609	Containers (including containers for the transport of fluids) specially designed and equipped for carriage by one or more modes of transport	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
ex Chapter 87	Vehicles other than railway or tramway rolling-stock and parts and accessories thereof; except for those falling within the following headings or parts of headings for which the rules are set out below: 8709 to 8711, ex 8712, 8715 and 8716	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
8709	Works trucks, self-propelled, not fitted with lifting or handling equipment, of the type used in factories, warehouses, dock areas or airports for short distance transport of goods; tractors of the type used on railway station platforms; parts of the foregoing vehicles	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 5 % of the ex works price of the product
8710	Tanks and other armoured fighting vehicles, motorized, whether or not fitted with weapons, and parts of such vehicles	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 5 % of the ex works price of the product
8711	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where the value of all the non-originating materials used does not exceed the value of the originating materials used
ex 8712	Bicycles without ball bearings	Manufacture from materials not classified within heading No 8714
8715	Baby carriages and parts thereof	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 5 % of the ex works price of the product
8716	Trailers and semi-trailers; other vehicles, not mechanically propelled; parts thereof	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 5 % of the ex works price of the product

(1)	(2)	(3)
8803	Parts of goods of heading No 8801 or 8802	Manufacture in which the value of all the materials of heading No 8803 used does not exceed 5 % of the ex works price of the product
8804	Parachutes (including dirigible parachutes) and rotochutes; parts thereof and accessories thereto:	
	— Rotochutes	Manufacture from materials of any heading including other materials of heading No 8804
	— Other	Manufacture in which the value of all the materials of heading No 8804 used does not exceed 5 % of the ex works price of the product
8805	Aircraft launching gear; deck-arrestor or similar gear; ground flying trainers; parts of the foregoing articles	Manufacture in which the value of all the materials of heading No 8805 used does not exceed 5 % of the ex works price of the product
Chapter 89	Ships, boats and floating structures	Manufacture in which all the materials used are classified within a heading other than that of the product. However, hulls of heading No 8906 may not be used
ex Chapter 90	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof; except for those falling within the following headings or parts of headings for which the rules are set out below: 9001, 9002, 9004, ex 9005, ex 9006, 9007, 9011, ex 9014, 9015 to 9020 and 9024 to 9033	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 5 % of the ex works price of the product
9001	Optical fibres and optical fibre bundles; optical fibre cables other than those of heading No 8544; sheets and plates of polarizing material; lenses (including contact lenses), prisms, mirrors and other optical elements, of any material, unmounted, other than such elements of glass not optically worked	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9002	Lenses, prisms, mirrors and other optical elements, of any material, mounted, being parts of or fittings for instruments or apparatus, other than such elements of glass not optically worked	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9004	Spectacles, goggles and the like, corrective, protective or other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
ex 9005	Binoculars, monoculars, other optical telescopes, and mountings therefor, except for astronomical refracting telescopes and mountings therefor	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 5 % of the ex works price of the product, and — where the value of all the non-originating materials used does not exceed the value of the originating materials used

(1)	(2)	(3)
ex 9006	Photographic (other than cinematographic) cameras; photographic flashlight apparatus and flashbulbs other than electrically ignited flashbulbs	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 5 % of the ex works price of the product, and — where the value of all the non-originating materials used does not exceed the value of the originating materials used
9007	Cinematographic cameras and projectors, whether or not incorporating sound recording or reproducing apparatus	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 5 % of the ex works price of the product, and — where the value of all the non-originating materials used does not exceed the value of the originating materials used
9011	Compound optical microscopes, including those for photomicrography, cinephotomicrography or microprojection	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 5 % of the ex works price of the product, and — where the value of all the non-originating materials used does not exceed the value of the originating materials used
ex 9014	Other navigational instruments and appliances	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9015	Surveying (including photogrammetrical surveying), hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, excluding compasses; rangefinders	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9016	Balances of a sensitivity of 5 cg or better, with or without weights	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9017	Drawing, marking-out or mathematical calculating instruments (for example, drafting machines, pantographs, protractors, drawing sets, slide rules, disc calculators); instruments for measuring length, for use in the hand (for example, measuring rods and tapes, micrometers, callipers), not specified or included elsewhere in this chapter	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product

(1)	(2)	(3)
9018	Dentists' chairs incorporating dental appliances or dentists' spittoons	Manufacture from materials of any heading, including other materials of heading No 9018
9024	Machines and appliances for testing the hardness, strength, compressibility, elasticity or other mechanical properties of materials (for example, metals, wood, textiles, paper, plastics)	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9025	Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9026	Instruments and apparatus for measuring or checking the flow, level, pressure or other variables of liquids or gases (for example, flow meters, level gauges, manometers, heat meters), excluding instruments and apparatus of heading No 9014, 9015, 9028 or 9032	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9027	Instruments and apparatus for physical or chemical analysis (for example, polarimeters, refractometers, spectrometers, gas or smoke analysis apparatus); instruments and apparatus for measuring or checking viscosity, porosity, expansion, surface tension or the like; instruments and apparatus for measuring or checking quantities of heat, sound or light (including exposure meters); microtomes	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9028	Gas, liquid or electricity supply or production meters, including calibrating meters therefor: — Parts and accessories — Other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where the value of all the non-originating materials used does not exceed the value of the originating materials used
9029	Revolution counters, production counters, taximeters, mileometers, pedometers and the like; speed indicators and tachometers, other than those of heading No 9014 or 9015; stroboscopes	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9030	Oscilloscopes, spectrum analysers and other instruments and apparatus for measuring or checking electrical quantities, excluding meters of heading No 9028; instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionizing radiations	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9031	Measuring or checking instruments, appliances and machines, not specified or included elsewhere in this chapter; profile projectors	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9032	Automatic regulating or controlling instruments and apparatus	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product

(1)	(2)	(3)
9033	Parts and accessories (not specified or included elsewhere in this chapter) for machines, appliances, instruments or apparatus of Chapter 90	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
ex Chapter 91	Clocks and watches and parts thereof; except for those falling under the following headings for which the rules are set out below: 9105, 9109 to 9113	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
9105	Other clocks	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where the value of all the non-originating materials used does not exceed the value of the originating materials used
9109	Clock movements, complete and assembled	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where the value of all the non-originating materials used does not exceed the value of the originating materials used
9110	Complete watch or clock movements, unassembled or partly assembled (movement sets); incomplete watch or clock movements, assembled; rough watch or clock movements	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within heading No 9114 are only used up to a value of 5 % of the ex works price of the product
9111	Watch cases and parts thereof	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 5 % of the ex works price of the product
9112	Clock cases and cases of a similar type for other goods of this chapter, and parts thereof	<p>Manufacture:</p> <ul style="list-style-type: none"> — in which the value of all the materials used does not exceed 40 % of the ex works price of the product, and — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 5 % of the ex works price of the product
9113	<p>Watch straps, watch bands and watch bracelets, and parts thereof:</p> <ul style="list-style-type: none"> — Of base metal, whether or not plated, or clad with precious metal — Other 	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product</p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product</p>

(1)	(2)	(3)
Chapter 92	Musical instruments; parts and accessories of such articles	Manufacture in which the value of all the materials used does not exceed 40 % of the ex works price of the product
Chapter 93	Arms and ammunitions; parts and accessories thereof	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 9401 and ex 9403	Base metal furniture, incorporating unstuffed cotton cloth of a weight of 300 g/m ² or less	<p>Manufacture in which all the materials used are classified within a heading other than that of the product or</p> <p>Manufacture from cotton cloth already made up in a form ready for use of heading No 9401 or 9403, provided:</p> <ul style="list-style-type: none"> — its value does not exceed 25 % of the ex works price of the product, and — all the other materials used are already originating and are classified within a heading other than heading No 9401 or 9403
9405	Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
9406	Prefabricated buildings	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product
9503	Other toys; reduced-size ('scale') models and similar recreational models, working or not; puzzles of all kinds	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — all the materials used are classified within a heading other than that of the product, and — provided the value of all the materials used does not exceed 50 % of the ex works price of the product
ex 9506	Finished golf club heads	Manufacture from roughly shaped blocks
9507	Fishing rods, fish-hooks and other line fishing tackle; fish landing nets, butterfly nets and similar nets; decoy 'birds' (other than those of heading No 9208 or 9705) and similar hunting or shooting requisites	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 5 % of the ex works price of the product
ex 9601 and ex 9602	Articles of animal, vegetable or mineral carving materials	Manufacture from 'worked' carving materials of the same heading
ex 9603	Brooms and brushes, (except for besoms and the like and brushes made from marten or squirrel hair), hand-operated mechanical floor sweepers, not motorized, paint pads and rollers, squeegees and mops	Manufacture in which the value of all the materials used does not exceed 50 % of the ex works price of the product

(1)	(2)	(3)
9605	Travel sets for personal toilet, sewing or shoe or clothes cleaning	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided their total value does not exceed 15 % of the ex works price of the set
9606	Buttons, press-fasteners, snap-fasteners and press-studs, button moulds and other parts of these articles; button blanks	Manufacture in which: — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product
9608	Ball point pens; felt tipped and other porous-tipped pens and markers; fountain pens, stylograph pens and other pens; duplicating stylos; propelling or sliding pencils; pen-holders, pencil-holders and similar holders; parts (including caps and clips) of the foregoing articles, other than those of heading No 9609	Manufacture in which all the materials used are classified within a heading other than that of the product. However, nibs or nib points may be used and the other materials classified within the same heading may also be used provided their value does not exceed 5 % of the ex works price of the product
9612	Typewriter or similar ribbons, inked or otherwise prepared for giving impressions, whether or not on spools or in cartridges; ink-pads, whether or not inked, with or without boxes	Manufacture in which — all the materials used are classified within a heading other than that of the product, and — the value of all the materials used does not exceed 50 % of the ex works price of the product.
ex 9614	Smoking pipes or pipe bowls	Manufacture from roughly shaped blocks

GENERAL MATTERS

2. Provisions within the Community
relating to the Association Agreement

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 4264/88

of 13 December 1988

on the application of Decision No 1/88 of the EEC-Cyprus Association Council amending, as a consequence of the introduction of the harmonized system, the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus (*) was signed on 19 December 1972;

Whereas, by virtue of Article 25 of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which forms an integral part of the above Agreement, the EEC-Cyprus Association Council has adopted Decision No 1/88 amending the said Protocol;

Whereas it is necessary to apply this Decision in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

Decision No 1/88 of the EEC-Cyprus Association Council shall apply in the Community.

The text of the Decision is attached to this Regulation.

Article 2

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

It shall apply from 1 January 1989.

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

Done at Brussels, 13 December 1988.

For the Council

The President

K. PAPANAYOTOU

(*) OJ No L 133, 21. 5. 1973, p. 2.

PROVISIONS WITHIN THE EEC

**COMMISSION REGULATION (EEC) No 63/88
of 8 January 1988**

introducing a countervailing charge on clementines originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 3910/87⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 3478/87 of 19 November 1987 fixing for the 1987/1988 marketing year the reference prices for clementines⁽³⁾ fixed the reference price for products of class I for the period from 1 December 1987 to 29 February 1988 at 59,57 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by

Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for clementines originating in Cyprus the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these clementines;

Whereas, if the system is to operate normally, the entry price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 3,84 ECU per 100 kilograms net is applied to fresh clementines (subheading 08.02 B I of the Common Customs Tariff) CN 0805 20 10 originating in Cyprus

Article 2

This Regulation shall enter into force on 12 January 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 370, 30. 12. 1987.

⁽³⁾ OJ No L 329, 20. 11. 1987, p. 35.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 8 January 1988

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 73/88
of 12 January 1988
repealing Regulation (EEC) No 63/88 introducing a compensatory tax on import
of clementines originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Spain and
Portugal,

Having regard to Council Regulation (EEC) No 1035/72
of 18 May 1972 on the common organization of the
market in fruit and vegetables ⁽¹⁾, as last amended by
Regulation (EEC) No 3910/87 ⁽²⁾, and in particular the
second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 63/88 of 8
January 1988 ⁽³⁾, introduced a compensatory tax from 12
January 1988 on import of clementines originating in
Cyprus;

Whereas the data required for calculation of the compen-
satory tax, as communicated to the Commission led to
fixing such an amount; whereas a subsequent communi-
cation showed those data to be inexact; whereas a calcula-

tion carried out on the basis of the new data communi-
cated to the Commission shows that the conditions for
applying the compensatory tax are not fulfilled;

Whereas the compensatory tax should therefore not be
applied and Regulation (EEC) No 63/88 should be
repealed with effect from its date of entry into force,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 63/88 is hereby repealed with effect
from its date of entry into force.

Article 2

This Regulation shall enter into force on 13 January
1988.

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

Done at Brussels, 12 January 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 33.

⁽³⁾ OJ No L 6, 9. 1. 1988, p. 35.

COUNCIL REGULATION (EEC) No 499/88

of 22 February 1988

opening and providing for the administration of a Community tariff quota for certain types of concentrated grape juice falling within code 2009 60 51, 2009 60 71, ex 2009 60 90 or ex 2204 30 91 of the combined nomenclature and originating in Cyprus (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Article 19 of the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus and adapting certain provisions thereof⁽¹⁾ stipulates that certain types of concentrated grape juice falling within code 2009 60 51, 2009 60 71, ex 2009 60 90 or ex 2204 30 91 of the combined Nomenclature and originating in Cyprus shall be imported into the Community at reduced rates of duty within the limits of an annual Community tariff quota of 3 000 tonnes; whereas, under the said Article 19, this volume is subject to an annual increase of 5 % from the entry into force of the Protocol, and will therefore be 3 150 tonnes in 1988; whereas, within the limits of the tariff quota, the duty applicable is to be abolished progressively according to the same timetable and under the same conditions as laid down in Articles 5 and 16 of the said Protocol; whereas, however, the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and of the Portuguese Republic to the Community⁽²⁾ stipulates that from the date of its entry into force, the Kingdom of Spain will apply a duty reducing the gap between the rates of basic duty and of preferential duty, whereas the Portuguese Republic will post-

pone implementation of the preferential arrangements for the products in question until the start of the second stage;

Whereas the Community tariff quota should therefore be opened for the period from 1 March to 31 December 1988;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the product in question into all the Member States until the quota is exhausted; whereas, however, the quota should not in this case be allocated among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under conditions and according to the procedure laid down in Article 1 (2); 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 quota is used 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, any operation concerning the administration of the quota shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 March to 31 December 1988 the customs duty applicable to imports into the Community, with the exception of Portugal, of the following products originating in Cyprus shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

⁽¹⁾ OJ No L 393, 31. 12. 1987, p. 2.
⁽²⁾ OJ No L 393, 31. 12. 1987, p. 37.

Onder No	CN code	Description	Volume of quota (tonnes)	Rate of duty (%)
09.1421	2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter :	3 150	25,4 + ads from 1 March to 31 December
	2009 60 51	- Grape juice (including grape must) :		
		- - Of a density not exceeding 1,33 g/cm ³ at 20 °C		
	2009 60 71	- - - Of a value exceeding 18 ECU per 100 kg net weight :		
		- - - - Concentrated		
	ex 2009 60 90	- - - - Of a value not exceeding 18 ECU per 100 kg net weight :		
		- - - - With an added sugar content exceeding 30 % by weight :		
	2204	- - - - - Concentrated		
		- - - - - Other		
	ex 2204 30 91	- - - - - Concentrated, within the meaning of additional note 6 (combined nomenclature) to Chapter 20		
Wine of fresh grapes, including fortified wines ; grape must other than that of code 2009 :				
	- Other grape must :			
	- - Other :			
	- - - Of a density of 1,33 g/cm ³ or less at 20 °C and of an actual alcoholic strength by volume not exceeding 1 % vol :			
	- - - - Concentrated, within the meaning of additional note 6 (combined nomenclature) to Chapter 20			

Within the limits of this tariff quota the Kingdom of Spain shall apply customs duties calculated in accordance with the relevant provisions of the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and of the Portuguese Republic to the Community.

2. If an importer gives notification of imminent imports of the products in question into a Member State and applies to take advantage of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the reserve so permits.

3. The shares drawn pursuant to paragraph 2 shall be valid until the end of the quota period.

Article 2

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 1 (2) enable imports to be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the product concerned have free access to the quota for such time as the residual balance of the quota volume so permits.

3. Member States shall charge imports of the said goods against their drawings as and when the goods are entered with the customs authorities for free circulation.

4. The extent to which the quota has been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 3

At the request of the Commission, Member States shall inform it of imports actually charged against the quota.

Article 4

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

Article 5

This Regulation shall enter into force on 1 March 1988.

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

Done at Brussels, 22 February 1988.

For the Council

The President

H.-D. GENSCHER

COUNCIL REGULATION (EEC) No 500/88
of 22 February 1988

opening and providing for the administration of a Community tariff quota for certain wines of fresh grapes in containers holding more than two litres falling within code 2204 29 25, 2204 29 29, 2204 29 35 or 2204 29 39 of the combined nomenclature and originating in Cyprus (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Article 19 of the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus and adapting certain provisions thereof (1) stipulates that certain wines of fresh grapes in containers holding more than two litres, falling within code 2204 29 25, 2204 29 29, 2204 29 35 or 2204 29 39 of the combined nomenclature and originating in Cyprus shall be imported into the Community at reduced rates of duty within the limits of an annual Community tariff quota of 26 000 hectolitres; whereas, within the limits of the tariff quota, the customs duty applicable is to be abolished progressively according to the same timetable and under the same conditions as laid down in Articles 5 and 16 of the said Protocol; whereas, however, the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and of the Portuguese Republic to the Community (2) stipulates that, from the date of its entry into force, the Kingdom of Spain will apply a duty reducing the gap between the rates of basic and of preferential duty, whereas the Portuguese Republic will postpone implementation of the preferential arrangements for the products in question until the start of the second stage;

Whereas the wines in question are subject to compliance with the free-at-frontier reference price; whereas, in order that such wines may benefit from this tariff quota, Article 54 of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine (3), as last amended by Regulation (EEC) No 3390/87 (4), must be complied with; whereas the Community tariff quota should therefore be opened for the period from 1 March to 31 December 1988;

Whereas, equal and continuous access to the quota should be ensured for all Community importers and the rate laid down for the quota should be applied consistently to all imports of the products in question into all the Member States until the quota is exhausted; whereas, in the light of these principles, allocation of the tariff quota among the Member States would seem to preserve the Community nature of the quota; whereas, in order to correspond as closely as possible to the real trend of the market for the products in question the allocation should reflect the requirements of the Member States based on statistics of imports of the said products from Cyprus during a representative reference period and on the economic outlook for the quota period in question;

Whereas, during the last three years for which statistics are available, imports into each of the Member States were as follows:

(b)

Member States	1984	1985	1986
Benelux	—	—	—
Denmark	—	—	—
Germany	323	178	5 755
Greece	—	—	—
Spain	—	—	—
France	—	—	—
Ireland	—	—	2
Italy	—	—	—
Portugal	—	—	—
United Kingdom	42 404	21 351	17 776

Whereas in the last three years the products in question were imported regularly only by two Member States and not at all by the other Member States; whereas, under these circumstances, in the first phase, initial shares should be allocated to the genuine importing Member States and the other Member States should be guaranteed access to the benefit of the tariff quota when imports actually take place in those Member States; whereas these allocation arrangements will equally ensure the uniform of the Common Customs Tariff;

Whereas, to allow for the trend of imports of the products concerned in the various Member States, the quota volume should be divided into two parts, the first being allocated among those two Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share and

(1) OJ No L 393, 31. 12. 1987, p. 2.
(2) OJ No L 393, 31. 12. 1987, p. 37.
(3) OJ No L 84, 27. 3. 1987, p. 1.
(4) OJ No L 133, 27. 5. 1987, p. 3.

any requirements which might arise in the other Member States; whereas, to afford importers in each Member State some degree of certainty, an appropriate level for the first part of the tariff quota would, in the present circumstances, be 30 % of the quota volume;

Whereas the initial shares of the Member States may be used up at different rates; whereas, in order to avoid any break in the continuity of supplies on this account, it should be provided that any Member State which has almost used up its initial share should draw an additional share from the corresponding reserve; whereas each time its additional share is almost used up a Member State should draw a further share and so on as many times as the reserve allows; whereas each of the initial and additional shares must be valid until the end of the quota period; whereas this form of administration requires close cooperation between the Member States and the Commission and the latter must be able to monitor the extent to which the quota volume has been used up and inform the Member States accordingly;

Whereas if at a given date in the quota period a considerable quantity of a Member State's initial share remains

unused, it is essential that the Member State concerned should return a significant proportion thereof to the corresponding reserve in order to prevent part of the Community tariff quota from unused in one Member State when it could be used in others;

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 operation concerning the administration of the quota shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 March to 31 December 1988 the customs duty applicable to imports into the Community, with the exception of Portugal, of the following products originating in Cyprus shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

Order No	CN code	Description	Volume of quota (hl)	Quota duty (%)
09.1423	2204 29 25 2204 29 29	Wine of fresh grapes, including fortified wines, grape must other than that of code 2009:	26 000	} 9,9 ECU/hl
		- Other wine; grape must with fermentation prevented or arrested by the addition of alcoholic:		
		- - Other:		
		- - - Other:		
		- - - - Of an actual alcoholic strength by volume not exceeding 13 % vol:		
		- - - - - Other:		
		- - - - - - White		
		- - - - - - Other		
		- - - - - Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol:		
		- - - - - Other:		
2204 29 35 2204 29 39	- - - - - - White	12,1 ECU/hl		
	- - - - - - Other			

Article 2

Within the limits of this tariff quota the Kingdom of Spain apply customs duties calculated in accordance with the relevant provisions of the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and of the Portuguese Republic of the Community.

1. The first part, amounting to 7 800 hectolitres of the Community tariff quota referred to in Article 1 shall be allocated among the Member States; the quota shares, valid until 31 December 1988; shall be as follows:

Germany	560 hl,
United Kingdom	7 240 hl.

2. The wines in question shall be subject to compliance with the free-at-frontier reference price. In order that they may benefit from the tariff quota mentioned in paragraph 1, Article 54 of Regulation (EEC) No 822/87 must be complied with.

2. The second part of the quota, amounting to 18 200 hectolitres shall constitute the reserve.

3. If an importer gives notification of imminent imports of the product in question into the other Member States and applies to take advantage of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the reserve to permits.

Article 3

1. If a Member State has used 90 % or more of its initial share as specified in Article 2 (1), it shall forthwith, by notifying the Commission and to the extent that the reserve so permits, draw a second share equal to 15 % of its initial share, rounded up where necessary to the next whole number.

2. If, after its initial quota share has been used up, a Member State has used 90 % or more of its second share as well, it shall forthwith, using the procedure provided for in paragraph 1, draw a third share equal to 7,5 % of the initial share, rounded up where necessary to the next whole number.

3. If, after its second share has been used up, a Member State has used 90 % or more of its third share, it shall, using the same procedure, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, Member States may draw smaller shares than those specified in the said paragraphs if there is reason to believe that they might not be used in full. They shall inform the Commission of their reasons for applying this paragraph.

Article 4

The additional shares drawn pursuant to Article 3 shall be valid until 31 December 1988.

Article 5

By 1 October 1988 at the latest Member States must return to the reserve the unused portion of their initial share which, on 15 September 1988, is in excess of 20 % of the initial volume. They may return a greater portion if there is reason to believe that it might not be used.

By 1 October 1988 at the latest Member States must notify the Commission of the total quantities of the

products concerned imported on or before 15 September 1988 and charged against the Community quota and of any portion of their initial share that they are returning to the reserve.

Article 6

The Commission shall keep account of the shares drawn by Member States pursuant to Articles 2 and 3 and shall inform each Member State of the extent to which the reserve has been used up as soon as it has been notified.

It shall inform the Member States not later than 5 October 1988 of the state of the reserve following any return of quota shares pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the final drawing.

Article 7

1. Member States shall take all appropriate measures to ensure that additional drawings of shares pursuant to Article 3 enable imports to be charged without interruption against their accumulated shares of the Community tariff quota.

2. Member States shall ensure that importers of the products concerned have free access to the quota shares allocated to them.

3. Member States shall charge imports of the products concerned against their shares as and when the goods are entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its shares shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the request of the Commission, Member States shall inform it of imports actually charged against their quota shares.

Article 9

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

Article 10

This Article shall enter into force on 1 March 1988.

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

Done at Brussels, 22 February 1988.

For the Council
The President
H.-D. GENSCHER

COMMISSION REGULATION (EEC) No 626/88

of 7 March 1988

applying the duty in the Common Customs Tariff to fresh lemons originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus⁽¹⁾, and in particular Article 5 thereof;

Whereas Article 5 (2) and (3) of Annex I to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus provides for a reduced rate of duty on imports into the Community of fresh lemons originating in Cyprus; whereas, during the period in which reference prices are applied, this reduction is dependent on the observance of a specified price on the Community market; whereas detailed rules for the application of this system are contained in Regulation (EEC) No 1252/73;

Whereas, in certain respects, these rules refer to provisions of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽²⁾ as last amended by Regulation (EEC) No 223/88⁽³⁾;

Whereas Regulation (EEC) No 1252/73 provides that, where products are imported, the duty in the Common Customs Tariff is applied where quotations for that product, in accordance with the provisions of Article 24 (2) of Regulation (EEC) No 1035/72 recorded on the representative Community markets at the importer/wholesaler stage or converted to that stage, adjusted by the conversion factors and following deduction of import charges other than customs duties, remain lower than the reference price in force, plus the incidence of the Common Customs Tariff on that price and a standard amount fixed at 1,2 units of account (1,44 ECU) per 100 kilograms, for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the conversion factors and import charges other than customs duties are those used for the purpose of

calculating the entry price referred to in Regulation (EEC) No 1035/72; whereas the method of calculating import charges other than customs duties is, for certain cases, defined in Article 2 of Regulation (EEC) No 1252/73;

Whereas, if the system is to operate normally, it should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87⁽⁵⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas application of these rules to quotations recorded for lemons imported into the Community and originating in Cyprus indicates that the conditions set out in the first paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas the duty in the Common Customs Tariff should, therefore, be applied to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 9 March 1988, the duty in the Common Customs Tariff shall be applied to fresh lemons CN code 0805 30 10 imported into the Community and originating in Cyprus.

Article 2

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

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 23, 28. 1. 1988, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 7 March 1988.

For the Commission
Frans ANDRIESEN
Vice-President

COMMISSION REGULATION (EEC) No 700/88
of 17 March 1988

laying down certain detailed rules for the application of the arrangements for the import into the Community of certain flowers originating in Cyprus, Israel and Jordan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 and Jordan ⁽¹⁾, and in particular Article 5 (1) thereof,

Whereas Regulation (EEC) No 4088/87 specifies tariff arrangements in respect of the following four products: uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses, originating in Cyprus, Israel and Jordan, providing, in respect of each of them, for the application of a preferential customs duty when the import price corresponds to a minimum price defined in relation to Community producer prices;

Whereas, for the purpose of laying down the detailed rules of application, each of the products in question should be defined and the manner in which Community producer prices and import prices are established should be determined;

Whereas, as regards roses, in view of the large number of varieties produced in the Community, and of the fact that quantities fluctuate widely from one market and from one season to another, producer prices should be determined with reference to an average price established on the basis of prices recorded for pilot varieties considered to be the most representative of Community production;

Whereas most of the cut flowers imported from the abovementioned countries are very high quality products generally complying with the Community standards established for Class I products; whereas, as regards the determination of producer prices, reference should therefore be made to the prices ruling for the products concerned of quality Class I;

Whereas, for the fixing of producer prices, fluctuations which must be considered excessive and must be disregarded, pursuant to the second subparagraph of Article 3 (2) of Regulation (EEC) No 4088/87, are price variations of 40 % or more above or below the average price observed on the same market over the preceding three years;

Whereas, for the determination of the representative markets, the Community producer markets and the

Community import markets on which most of the transactions are effected and most of the price quotations are available should be taken into account;

Whereas it should be provided that the Member States concerned must communicate to the Commission all the information required for determining the abovementioned prices;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Live Plants,

HAS ADOPTED THIS REGULATION:

Article 1

For each of the four products, uniflorous (bloom) carnations and multiflorous (spray) carnations, large-flowered roses and small-flowered roses, referred to in Article 1 of Regulation (EEC) No 4088/87, Community producer prices shall be established for periods of two consecutive weeks by reference to the daily prices recorded on each of the representative producer markets for each of the pilot varieties listed in Annex I. Pilot varieties shall be defined as those varieties which are sold in the largest quantities on the abovementioned markets and, as regards roses, the varieties sold in the largest quantities of those listed in Annex II. As regards uniflorous (bloom) carnations and multiflorous (spray) carnations, Community producer prices shall be established for bloom and spray types, respectively.

The daily prices for the pilot varieties referred to in the first paragraph shall be recorded for products of quality Class I, defined pursuant to Article 3 of Council Regulation (EEC) No 234/68 ⁽²⁾, regardless of length codes; the incidence of costs linked to the presentation of the products shall be deemed to be included in the prices recorded.

For the establishment of the Community producer price, daily prices shall be ignored if on a representative market they are 40 % or more above or below the average price recorded during the same period on the same market over the preceding three years.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 55, 2. 3. 1968, p. 1.

Article 2

The representative producer markets referred to in Article 3 (2) of Regulation (EEC) No 4088/87 shall be as follows :

- Germany : Neuss,
- France : Hyères-Ollioules, Nice, Rungis,
- Italy : Pescia, San Remo,
- Netherlands : Aalsmeer, Westland.

Article 3

The representative import markets referred to in Article 2 of Regulation (EEC) No 4088/87 shall be as follows :

- Germany : Cologne, Neuss,
- France : Rungis,
- Netherlands : Aalsmeer, Westland,
- United Kingdom : Covent Garden.

Import markets on which, for any of the products and any of the origins in question, substantial transactions are registered, shall also be considered as representative.

Article 4

On each representative import market in respect of each of the four products referred to in Article 1, and for each

of the following origins — Cyprus, Israel and Jordan — prices for the imported products shall be recorded per piece daily at the wholesale import stage, the price to include customs duty.

Article 5

The Member States in which the representative producer markets are situated shall communicate to the Commission the daily prices for the pilot varieties in the week that follows each two-week period for which a Community producer price is fixed.

Article 6

The Member States in which the representative import markets are situated shall communicate to the Commission on each market day, for each of the four products in question, for each market and for each of the origins mentioned in Article 4 :

- the prices recorded in accordance with Article 4,
- the quantities marketed per product, per piece.

Article 7

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 Brussels, 17 March 1988.

For the Commission

FRANS ANDRIESEN

Vice-President

ANNEX I

PILOT VARIETIES

Large-flowered roses

Federal Republic of Germany:	Sonia, Red Success
France:	Royal Red, Sonia, Vega
Italy:	Omega, Baccara, Chamade
The Netherlands:	Sonia, Madelon

Small-flowered roses

Federal Republic of Germany:	Mercedes
France:	Laminuette, Candia
Italy:	Mercedes, Miss Italia
The Netherlands:	Motrea, Europa

ANNEX II

A. List of cut roses, large-flower varieties

Aalsmeer Gold	Dr A. J. Verhage	Nicole	Shocking Blue
Aldogold	Elfe	Nordia	Simona
Aldona	Eliora	Omega	Snow Crystal
Allegro	Evening Star	Orpas	Sonia
Alpha Meinasur	Fiorella	Parfuma	Splendor
Ariane	Golden Emblem	Passadena	Sterling Silver
Athena	Ilova	Peer Gynt	Sunbeam
Baccara	Jakaranda	Pecirac	Sweet Sonia
Bingo	Jelico	Pink Sensation	Sylvia
Bridal Pink	Jerney	Prive	Tineke
Carambolo	Lara	Red Success	Triada
Carina	Linda	Roselandia	Vega
Carlita	Lorena	Royal Red	Veronika
Carnaval	Lovely Girl	Ruby	Vivaldi
Carte Dor	Madelon	Ruimenkos	Visa
Chamade	Maninzer Fastnacht	Samantha	White Masterpiece
Charlotte	Manola	Sandokan	White Success
Cocktail	Marina	Sandra	White Weekend
Darling	Mariska	Sel 15	Yonina
Denver	Meimisa	Selgold	Zambra
Diana	Miss Blanche	Seline	mixed
Diplomat	Nathali	Selita	multi-coloured.

B. List of cut roses, small-flower varieties

Anna	Fantasia	Kirsten	Porcelina
Annabella	Fleuropa	Laminuette	President Souzy
Bahama	Florence	Little Silver	Red Garnette
Belinda	Flurosa	Loretta	Red Ilsete
Bunny	Frisco	Mandy	Romco
Candia	Gabriella	Mardie	Ronny Tober
Candy Rose	Geko	Marimba	Rosete
Carol	Gerdo	Mathilde	Roswytha
Carolien	Geza	Mercedes	Rozette
Carona	Gina	Milva	RubINETTE
Carte Rose	Golden Belinda	Mimi Rose	Sabrina
Celica	Golden Times	Miss Ellen	Sagitta
Champagner	Goldy (Goldilocks)	Miss Italia	Seldy
Clivia Kortag	Granada	Motrea	Tanaverina
Coronet	Grisbi	Murena	Sissal
Disco Meilland	Ilseta	New Commer	Tanja
Disco Red	Innocenti	Olivia	Tiara
Donna	Jack Frost	Only Love	Wendy Light
Esther Ofarim	Jaguar	Pastel Lenic	Zurella
Europa	Janina	Perlata	mixed
Evelien	Junior Miss	Pink Ilseta	multi-coloured.
Evergold	Kardinal	Polka (Meijonka)	

COMMISSION REGULATION (EEC) No 701/88
of 17 March 1988

fixing Community producer prices for carnations and roses for the application
of the import arrangements for certain flowers originating in Cyprus, Israel
and Jordan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 4088/87
of 21 December 1987 fixing conditions for the
application of preferential customs duties imports of
certain flowers originating in Cyprus, Israel and Jordan⁽¹⁾,
and in particular Article 5 (2) (a) thereof,

Whereas, pursuant to Article 3 of Regulation (EEC) No
4088/87, Community producer prices applicable for
two-week periods are fixed twice a year before 15 May and
15 October for uniflorous (bloom) carnations, multiflorous
(spray) carnations, large-flowered roses and small-flowered
roses; whereas pursuant to Article 1 of Commission
Regulation (EEC) No 700/88⁽²⁾ laying down certain
detailed rules for the import arrangements in question
prices for roses are determined on the basis of the average
daily prices recorded on the representative producer
markets for the pilot varieties of quality grade 1 in the
three preceding years; whereas for carnations those prices
are fixed under the same conditions for the bloom and
spray types; whereas, for the determination of the average,
prices which differ by 40 % and more from the average
price recorded on the same market during the same
period during the three preceding years are excluded;

Whereas the Community producer prices for the
two-week periods to 31 May 1988 should be determined
on the basis of data provided by the Member States;

Whereas the measures provided for in this Regulation are
in accordance with the opinion of the Management
Committee for Live Plants,

HAS ADOPTED THIS REGULATION :

Article 1

The Community producer prices for large-flowered roses,
small-flowered roses, uniflorous (bloom) carnations and
multiflorous (spray) carnations provided for in Article 3 of
Regulation (EEC) No 4088/87 for the two-week periods to
31 May 1988 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on the third day of
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 Brussels, 17 March 1988.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ See p. 00 of this Official Journal.

ANNEX

Community producer prices

(ECU per 100 pieces)

Weeks	Period	Uniflorous carnations	Multiflorous carnations	Large-flowered roses	Small-flowered roses
9/10	29. 2. to 13. 3. 1988	14,57	11,41	68,04	27,46
11/12	14. 3. to 27. 3. 1988	14,28	11,59	58,26	23,58
13/14	28. 3. to 10. 4. 1988	15,13	13,65	39,57	17,14
15/16	11. 4. to 24. 4. 1988	12,76	13,23	33,35	15,01
17/18	25. 4. to 8. 5. 1988	13,42	13,48	26,80	13,94
19/20	9. 5. to 22. 5. 1988	14,92	14,31	27,09	13,90
21/22	23. 5. to 31. 5. 1988	11,33	12,14	23,15	11,45

**COMMISSION REGULATION (EEC) No 763/88
of 23 March 1988**

**repealing Regulation (EEC) No 626/88 applying the duty in the Common
Customs Tariff to imports of fresh lemons originating in Cyprus**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Spain and
Portugal,

Having regard to Council Regulation (EEC) No
1252/73 of 14 May 1973 on imports of citrus fruits origi-
nating in Cyprus ⁽¹⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 626/88 of 7
March 1988 ⁽²⁾ applied the duty in the Common Customs
Tariff to imports of fresh lemons originating in Cyprus;

Whereas, pursuant to the second paragraph of Article 4 of
Regulation (EEC) No 1252/73, this rule remains in force
until the quotations referred to in Article 2 (1) of that
Regulation, adjusted by the convention factors and
following deduction of import charges other than customs
duties, remain equal to or higher than the price laid down
in Article 3 of that Regulation for three consecutive

market days on the representative markets of the
Community with the lowest quotations;

Whereas the present trend of prices of Cypriot products
on the representative markets indicates that the condi-
tions set out in the second paragraph of Article 4 of
Regulation (EEC) No 1252/73 are fulfilled; whereas
Regulation (EEC) No 626/88 should therefore be
repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EEC) No 626/88 is hereby
repealed.

Article 2

This Regulation shall enter into force on 24 March 1988.

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

Done at Brussels, 23 March 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.

⁽²⁾ OJ No L 62, 8. 3. 1988, p. 15.

COUNCIL REGULATION (EEC) No 884/88

of 22 March 1988

opening and providing for the administration of Community tariff quotas for carrots and aubergines (egg-plants) originating in Cyprus (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus, as supplemented by the Protocol laying down the conditions and procedures for the implementation of the second stage of the said Agreement and adapting certain provisions thereof⁽¹⁾, provides for the opening of two annual Community tariff quotas, of 2 500 tonnes for carrots falling within CN code ex 0706 10 00 and originating in Cyprus, and 300 tonnes for aubergines (egg-plants) falling within CN code ex 0709 30 00 and originating in Cyprus; whereas, under Article 18 of the Protocol in question, these volumes are subject to an annual increase of 5 % from the entry into force of the Protocol and will therefore be 2 625 tonnes and 315 tonnes respectively in 1988; whereas, within the limits of these tariff quotas, the customs duties applicable are to be abolished progressively according to the same timetables and under the same conditions as laid down in Articles 5 and 16 of the said Protocol;

Whereas, however, the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community⁽²⁾ lays down that those two Member States will postpone implementation of the preferential arrangements for the products in question until 31 December 1989 and 31 December 1990 respectively;

whereas, consequently, the above tariff quotas apply only to the Community as constituted on 31 December 1985;

Whereas the Community tariff quotas should therefore be opened for carrots for the period 1 April to 15 May 1988 and for aubergines (egg-plants) for the period 1 October to 30 November 1988;

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rates laid down for those quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, in the present case, it would appear advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to the procedures specified in Article 1 (2); 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, all transactions concerning the administration of quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. The customs duties applicable to imports into the Community as constituted on 31 December 1985 of the following products originating in Cyprus shall be suspended at the levels indicated and within the limits of the Community tariff quotas as shown below:

⁽¹⁾ OJ No L 393, 31. 12. 1987, p. 1.

⁽²⁾ OJ No L 393, 31. 12. 1987, p. 36.

Order No	CN code	Description	Volume of tariff quota (in tonnes)	Rate of duty (%)
09.1403	0706 ex 0706 10 00	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled : - carrots and turnips : - - carrots : from 1 April to 15 May 1988	2 625	6,1
09.1405	0709 ex 0709 30 00	Other vegetables, fresh or chilled : - Aubergines (egg plants) : from 1 October to 30 November 1988	315	5,8

2. If an importer indicates that a consignment of the products in question is to be imported into a Member State and applies to use the quotas, the Member State concerned shall inform the Commission and draw an amount corresponding to the requirements to the extent that the available balance of the quotas so permits.

3. Shares drawn pursuant to paragraph 2 shall be valid until the end of the quota period.

Article 2

1. Member States shall take all appropriate measures to ensure that shares drawn pursuant to Article 1 (2) are opened in such a way that imports may be charged without interruption against their accumulated shares of the Community quotas.

2. Each Member State shall ensure that importers of the products concerned have free access to the quotas for as long as the residual balance of the quota volumes so permits.

3. Member States shall charge imports of the products concerned against their shares as and when the products are entered with customs authorities for free circulation.

4. The extent to which the quotas have been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 3

At the request of the Commission, Member States shall inform it of imports actually charged against the quotas.

Article 4

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

Article 5

This Regulation shall enter into force on 1 April 1988.

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

Done at Brussels, 22 March 1988.

For the Council
The President
H.-D. GENSCHER

COMMISSION REGULATION (EEC) No 1275/88
of 10 May 1988

introducing a countervailing charge on fresh lemons originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1117/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1426/87 of 25 May 1987 fixing for the 1987/88 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I for the month of May 1988 at 47,53 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation

(EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for fresh lemons originating in Cyprus the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

Whereas, if the system is to operate normally, the entry price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Regulation (EEC) No 1676/85⁽⁶⁾, as amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 22,80 ECU per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Cyprus.

Article 2

This Regulation shall enter into force on 12 May 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 13.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 10 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 1279/88

of 10 May 1988

applying the duty in the Common Customs Tariff to fresh lemons originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus (¹), and in particular Article 5 thereof;

Whereas Article 5 (2) and (3) of Annex I to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus provides for a reduced rate of duty on imports into the Community of fresh lemons originating in Cyprus; whereas, during the period in which reference prices are applied, this reduction is dependent on the observance of a specified price on the Community market; whereas detailed rules for the application of this system are contained in Regulation (EEC) No 1252/73;

Whereas, in certain respects, these rules refer to provisions of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables (²), as last amended by Regulation (EEC) No 1117/88 (³);

Whereas Regulation (EEC) No 1252/73 provides that, where products are imported, the duty in the Common Customs Tariff is applied where quotations for that product, in accordance with the provisions of Article 24 (2) of Regulation (EEC) No 1035/72 recorded on the representative Community markets at the importer/wholesaler stage or converted to that stage, adjusted by the conversion factors and following deduction of import charges other than customs duties, remain lower than the reference price in force, plus the incidence of the Common Customs Tariff on that price and a standard amount fixed at 1,2 units of account (1,44 ECU) per 100 kilograms, for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the conversion factors and import charges other than customs duties are those used for the purpose of calculating the entry price referred to in Regulation (EEC) No 1035/72; whereas the method of calculating import charges other than customs duties is, for certain cases, defined in Article 2 of Regulation (EEC) No 1252/73;

Whereas, if the system is to operate normally, it should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85 (⁴), as last amended by Regulation (EEC) No 1636/87 (⁵),
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas application of these rules to quotations recorded for lemons imported into the Community and originating in Cyprus indicates that the conditions set out in the first paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas the duty in the Common Customs Tariff should, therefore, be applied to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 12 May 1988, the duty in the Common Customs Tariff shall be applied to fresh lemons (CN code 0805 30 10) imported into the Community and originating in Cyprus.

Article 2

This Regulation shall enter into force on 12 May 1988.

(¹) OJ No L 133, 21. 5. 1973, p. 113.

(²) OJ No L 118, 20. 5. 1972, p. 1.

(³) OJ No L 107, 28. 4. 1988, p. 1.

(⁴) OJ No L 164, 24. 6. 1985, p. 1.

(⁵) OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 10 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COUNCIL REGULATION (EEC) No 1378/88

of 3 May 1988

opening, allocating and providing for the administration of Community tariff quotas for new potatoes and fresh table grapes originating in Cyprus (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement establishing an association between the European Economic Community and the Republic of Cyprus, as supplemented by the Protocol laying down the conditions and procedures for the implementation of the second stage of the said Agreement and adapting certain provisions thereof⁽¹⁾, provides for the opening of annual Community tariff quotas of 60 000 tonnes for new potatoes falling within CN code 0701 90 59 and for 7 500 tonnes for fresh table grapes falling within CN codes ex 0806 10 15 and ex 0806 10 19, originating in Cyprus; whereas, under Article 18 of the Protocol in question, these volumes are subject to gradual increases from the entry into force of the Protocol, and will therefore be 65 000 tonnes and 8 100 tonnes respectively in 1988; whereas, within the limits of these tariff quotas the customs duties applicable are to be abolished progressively according to the same timetables and under the same conditions as laid down in Articles 5 and 16 of the said Protocol;

Whereas, however, the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community⁽²⁾ lays down that those two Member States will postpone, until 31 December 1989 and 31 December 1990 respectively, implementation of the preferential arrangements for the products covered by Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽³⁾ as last amended by Regulation (EEC) No 00/88⁽⁴⁾; whereas, consequently, the tariff quota for fresh table grapes applies only to the Community as constituted

on 31 December 1985, whilst that for new potatoes applies to the Community of Twelve;

Whereas the Community tariff quotas should therefore be opened for the period 16 May to 30 June 1988 for new potatoes and for the period 8 June to 4 August 1988 for fresh table grapes;

Whereas it is in particular necessary to ensure for all Community importers equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rates laid down for these quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, having regard to the above principles, the Community nature of the quotas can be respected by allocating the Community tariff quotas among the Member States; whereas, in order to reflect as accurately as possible the true trend of the market in the products in question, such allocation should be in proportion to the requirements of the Member States, calculated by reference to the statistics for imports from Cyprus over a representative reference period and also to the economic outlook for the quota periods in question;

Whereas, during the last three years for which statistics are available, imports of new potatoes into each of the Member States were as follows:

(in tonnes)

Member States	1984	1985	1986
Benelux	4 714	1 861	3 999
Denmark	—	—	1
Germany	3 071	1 932	4 120
Greece	—	—	—
Spain	—	—	—
France	—	—	—
Ireland	630	854	92
Italy	—	—	—
Portugal	—	—	—
United Kingdom	68 524	63 846	64 496

⁽¹⁾ OJ No L 393, 31. 12. 1987, p. 2.

⁽²⁾ OJ No L 393, 31. 12. 1987, p. 37.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁴⁾ OJ No L 110, 29. 4. 1988, p. 33.

Whereas in view of these factors and of market forecasts for the products in question and in particular of the estimates submitted by certain Member States, initial quota shares may be fixed approximately at the following percentages :

Benelux	5,03
Denmark	0,53
Germany	4,77
Greece	—
Spain	—
France	—
Ireland	0,67
Italy	—
Portugal	—
United Kingdom	89,00

Whereas, however, neither Community nor national statistics showing the breakdown for imports of fresh table grapes corresponding to the period in question are available and no reliable estimates of future imports can be made; whereas, in these circumstances, the quota volumes should be allocated in initial shares, to take into account demand for these products on the markets of the various Member States;

Whereas during the last three years these products were imported regularly only by certain Member States and not at all or only occasionally by the other Member States; whereas under these circumstances, in the first phase, initial shares should be allocated only to the genuine importing Member States and the other Member States should be guaranteed access to the benefit of the tariff quotas when imports actually take place in non-Member States; whereas these allocation arrangements will ensure the uniform application of the Common Customs Tariff;

Whereas, to allow for the trend of imports of the products concerned in the various Member States, each quota volume should be divided into two parts, the first being allocated among certain Member States and the second held as a reserve to cover any subsequent requirements of those Member States which have used up their initial shares and any requirements which might arise in the

other Member States; whereas, to afford importers in each Member State some degree of certainty, an appropriate level for the first part of the Community quotas would, in the present circumstances, be approximately 86 % of the quota volume for new potatoes and 75 % of the quota volume for fresh table grapes.

Whereas the Member States initial shares may be used up at different times; whereas in order to take this fact into account and avoid any break in continuity, any Member State which has almost used up its initial quota shares should draw an additional share from the corresponding reserve; whereas this must be done by each Member State as and when each of its additional shares is almost used up, and repeated as many times as the reserve allows; whereas the initial and additional shares must be valid until the end of the quota period; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must be in a position to monitor the extent to which the quota amounts have been used up and to inform Member States thereof;

Whereas, if, at a given date in the quota period, a substantial quantity remains unused in any Member State, it is essential that that Member State should return a significant proportion to the corresponding reserve to prevent a part of a Community quota from remaining unused in one Member State when it could be used in others;

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, any operation relating to the administration of the quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION :

Article 1

1. From 16 May to 30 June 1988 on import into the Community the customs duty applicable for the following products originating in Cyprus shall be suspended at the level and within the limits of a Community tariff quota as follows :

Order No	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.1401	0701 90 59	New potatoes	65 000	8,5

Within the limits of this tariff quota, Spain and Portugal shall apply customs duties calculated in accordance with the relevant provisions of the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of Spain and Portugal.

2. From 8 June to 4 August 1988, on import into the Community as constituted on 31 December 1985, the duties applicable for the following products, originating in Cyprus, shall be suspended at the levels and within the limit of a Community tariff quota as follows:

Order No	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.1407	ex 0806 10 15	Fresh table grapes : from 8 June to 14 July	8 100	6,5
	ex 0806 10 19	from 15 July to 4 August		

Article 2

1. The tariff quotas laid down in Article 1 shall be divided into two instalments.

2. The first part of each Community tariff quota referred to in Article 1 shall be allocated among certain Member States; without prejudice to Article 5, the quota shares shall be valid until 30 June and 4 August 1988 respectively and shall be as follows:

Member States	New potatoes CN code 0701 90 59	Fresh table grapes CN code ex 0806 10 15 ex 0806 10 19
Benelux	2 820	155
Denmark	300	40
Germany	2 675	195
Greece	—	—
Spain	—	—
France	—	—
Ireland	375	20
Italy	—	—
Portugal	—	—
United Kingdom	49 930	5 700

3. The second part of each quota, 8 900 and 1 990 tonnes respectively shall constitute the corresponding reserve.

4. If an importer gives notification of imminent imports of these products into the other Member States and applies to take advantage of the quota, the Member State concerned shall inform the Commission and draw

an amount corresponding to its requirements to the extent that the available balance of the reserve so permits.

Article 3

1. If a Member State has used 90 % or more of one of its initial quota shares as specified in Article 2 (2), or of that share less any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission and to the extent that the reserve so permits, draw a second share equal to 10 % of its initial share, rounded up where necessary to the next whole number.

2. If, after one of its initial quota shares has been used up, a Member State has used 90 % or more of its second share as well, it shall, using the procedure provided for in paragraph 1 and to the extent that the reserve so permits, draw a third share equal to 5 % of the initial share, rounded up where necessary to the next whole number.

3. If, after one of its second shares has been used up, a Member State has used 90 % or more of its third share, it shall, using the procedure provided for in paragraph 1, draw a fourth share equal to the third.

This process shall continue until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares smaller than those fixed in those paragraphs if there is reason to believe that they might not be used up. It shall inform the Commission of its reasons for applying this paragraph.

Article 4

Each of the additional shares drawn pursuant to Article 3 shall be valid until 30 June and 4 August 1988 respectively.

Article 5

The Member States shall return to the reserve not later than 15 June and 20 July respectively, such unused portion of their initial share as, on 10 June and 15 July 1988 respectively, is in excess of 20 % of the initial volume. They may return a larger quantity if there are grounds for believing that this quantity may not be used.

The Member States shall notify the Commission, not later than 15 June and 20 July respectively, of the total quantities of the products in question imported up to 10 June and 15 July 1988 respectively, and charged against the tariff quotas and of any quantity of the initial shares returned to the corresponding reserves.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and, as soon as it is notified, shall inform each State of the extent to which the reserves have been used up.

It shall inform the Member States, not later than 20 June and 25 July 1988 respectively, of the amount in each reserve after quantities have been returned thereto pursuant to Article 5.

It shall ensure that the drawing which exhausts any reserve does not exceed the balance available and, to this end, shall notify the amount of that balance to the Member State making the last drawing.

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

Done at Brussels, 3 May 1988.

Article 7

1. The Member States shall take all measures necessary to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that imports may be charged without interruption against their accumulated shares of the Community tariff quotas.

2. The Member States shall ensure that importers of the products in question have free access to the shares allocated to them.

3. The Member States shall charge the imports of the products concerned against their quota shares as and when the products are entered with customs authorities for free circulation.

4. The extent to which a Member State has used up its shares shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 8

At the Commission's request, the Member States shall inform it of imports actually charged against their shares.

Article 9

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

Article 10

This Regulation shall enter into force on 16 May 1988.

For the Council
The President
M. BANGEMANN

COMMISSION REGULATION (EEC) No 1392/88

of 20 May 1988

amending Regulation (EEC) No 1275/88 introducing a countervailing charge on fresh lemons originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 1117/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1275/88⁽³⁾, introduced a countervailing charge on fresh lemons originating in Cyprus;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration the countervailing charge on the import of fresh lemons originating in Cyprus must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 1275/88, '22,80 ECU' is hereby replaced by '38,34 ECU'.

Article 2

This Regulation shall enter into force on 21 May 1988.

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

Done at Brussels, 20 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽³⁾ OJ No L 121, 11. 5. 1988, p. 44.

COMMISSION REGULATION (EEC) No 1486/88
of 30 May 1988

introducing a countervailing charge on fresh lemons originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Spain and
Portugal,

Having regard to Council Regulation (EEC) No 1035/72
of 18 May 1972 on the common organization of the
market in fruit and vegetables⁽¹⁾, as last amended by
Regulation (EEC) No 1117/88⁽²⁾, and in particular the
second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1275/88⁽³⁾,
as amended by Regulation (EEC) No 1392/88⁽⁴⁾ intro-
duced a countervailing charge on fresh lemons originating
in Cyprus;

Whereas for fresh lemons originating in Cyprus there
were no prices for six consecutive working days; whereas

the conditions specified in Article 26 (1) of Regulation
(EEC) No 1035/72 are therefore fulfilled and the counter-
vailing charge on imports of fresh lemons originating in
Cyprus can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1275/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 31 May 1988.

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

Done at Brussels, 30 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽³⁾ OJ No L 121, 11. 5. 1988, p. 44.

⁽⁴⁾ OJ No L 128, 21. 5. 1988, p. 31.

COMMISSION REGULATION (EEC) No 1787/88
of 24 June 1988

fixing Community producer prices for carnations and roses for the application of the import arrangements for certain floricultural products originating in Cyprus and Jordan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 and Jordan⁽¹⁾, and in particular Article 5 (2) (a) thereof,

Whereas, pursuant to Article 3 of abovementioned Regulation (EEC) No 4088/87, Community producer prices applicable for fortnightly periods are fixed twice a year before 15 May and 15 October for uniflorous carnations, multiflorous carnations, large-flowered roses and small-flowered roses; whereas pursuant to Article 1 of Commission Regulation (EEC) No 700/88⁽²⁾, prices for roses are determined on the basis of the average daily prices recorded on the representative producer markets for the pilot varieties of quality grade 1 in the three preceding years; whereas for carnations those prices are fixed under the same conditions for the bloom and spray types; whereas, for the determination of the average, prices which differ by 40 % and more, from the average price recorded on the same market during the same period during the three preceding years are excluded;

Whereas the Community producer prices for the fortnightly periods from 1 June to 6 November 1988 should be determined on the basis of data provided by the Member States;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Live Plants,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer prices for large-flowered roses, small-flowered roses, uniflorous carnations and multiflorous carnations provided for in Article 3 of Regulation (EEC) No 4088/87 for the fortnightly periods from 1 June to 6 November 1988 shall be as set out in the Annex hereto.

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 with effect from 1 June 1988.

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

Done at Brussels, 24 June 1988.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 72, 18. 3. 1988, p. 16.

ANNEX

Community producer prices

(ECU per 100 pieces)

Weeks	Period	Uni- florous carnations	Multi- florous carnations	Large flowered roses	Small flowered roses
23/24	from 1. 6. to 19. 6. 1988	10,10	11,74	16,76	10,78
25/26	from 20. 6. to 3. 7. 1988	10,30	12,14	19,21	8,71
27/28	from 4. 7. to 17. 7. 1988	8,89	9,72	16,36	7,14
29/30	from 18. 7. to 31. 7. 1988	7,98	10,33	16,27	7,54
31/32	from 1. 8. to 14. 8. 1988	10,32	10,88	18,83	8,81
33/34	from 15. 8. to 28. 8. 1988	9,68	8,36	18,79	7,78
35/36	from 29. 8. to 11. 9. 1988	10,07	9,13	19,85	8,92
37/38	from 12. 9. to 25. 9. 1988	12,49	10,97	21,79	9,79
39/40	from 26. 9. to 9. 10. 1988	10,71	9,62	23,98	9,41
41/42	from 10. 10. to 23. 10. 1988	10,22	9,92	25,74	10,37
43/44	from 24. 10. to 6. 11. 1988	16,89	11,62	28,62	13,05

COMMISSION REGULATION (EEC) No 2603/88

of 19 August 1988

introducing a countervailing charge on table grapes originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 830/88 of 29 March 1988 fixing for the 1988 marketing year the reference prices for table grapes⁽³⁾ fixed the reference price for products of class I at 51,13 ECU per 100 kilograms net for the period 21 July to 31 August 1988;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for table grapes originating in Cyprus the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these table grapes;

Whereas, if the system is to operate normally, the entry price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of 11,55 ECU per 100 kilograms net is applied to table grapes (CN codes 0806 10 15 and 0806 10 19) originating in Cyprus.

Article 2

This Regulation shall enter into force on 23 August 1988.

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

Done at Brussels, 19 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

(1) OJ No L 118, 20. 5. 1972, p. 1.

(2) OJ No L 198, 26. 7. 1988, p. 1.

(3) OJ No L 85, 30. 3. 1988, p. 16.

(4) OJ No L 220, 10. 8. 1974, p. 20.

(5) OJ No L 368, 31. 12. 1985, p. 1.

(6) OJ No L 164, 24. 6. 1985, p. 1.

(7) OJ No L 153, 13. 6. 1987, p. 1.

COMMISSION REGULATION (EEC) No 2663/88
of 26 August 1988
amending Regulation (EEC) No 2603/88 introducing a countervailing charge on
table grapes originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Spain and
Portugal,

Having regard to Council Regulation (EEC) No 1035/72
of 18 May 1972 on the common organization of the
market in fruit and vegetables ⁽¹⁾, as last amended by
Regulation (EEC) No 2238/88 ⁽²⁾, and in particular the
second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2603/88 ⁽³⁾,
introduced a countervailing charge on table grapes origina-
ting in Cyprus;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72
laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is
amended; whereas if those conditions are taken into
consideration the countervailing charge on the import of
table grapes originating in Cyprus must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2603/88, '11,55 ECU'
is hereby replaced by '23,51 ECU'.

Article 2

This Regulation shall enter into force on 27 August 1988.

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

Done at Brussels, 26 August 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.
⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.
⁽³⁾ OJ No L 231, 20. 8. 1988, p. 27.

COMMISSION REGULATION (EEC) No 2785/88
of 7 September 1988
abolishing a countervailing charge on table grapes originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Spain and
Portugal,

Having regard to Council Regulation (EEC) No 1035/72
of 18 May 1972 on the common organization of the
market in fruit and vegetables⁽¹⁾, as last amended by
Regulation (EEC) No 2238/88⁽²⁾, and in particular the
second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2603/88⁽³⁾,
as last amended by Regulation (EEC) No 2663/88⁽⁴⁾,
introduced a countervailing charge on table grapes ori-
ginating in Cyprus;

Whereas for table grapes originating in Cyprus no prices
for six consecutive working days; whereas the conditions

specified in Article 26 (1) of Regulation (EEC) No
1035/72 are therefore fulfilled and the countervailing
charge on imports of table grapes originating in Cyprus
can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2603/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 8 September
1988.

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

Done at Brussels, 7 September 1988.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 231, 20. 8. 1988, p. 27.

⁽⁴⁾ OJ No L 237, 27. 8. 1988, p. 27.

COUNCIL REGULATION (EEC) No 3005/88

of 26 September 1988

opening and providing for the administration of a Community tariff quota for cut flowers and flowers buds, fresh, originating in Cyprus (1988/89)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Article 19 of the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus and adapting certain provisions thereof (1), stipulates that cut flowers and flower buds, fresh, falling within CN codes 0603 10 11 to 0603 10 69 and originating in Cyprus shall be imported into the Community at Reduced Rates of duty within the limits of an annual Community tariff quota of 50 tonnes; whereas, pursuant to Articles 18 and 19 of the Protocol in question, this volume is subject to an annual increase of 5 % from the entry into force of the said Protocol, and will therefore be 55 tonnes for the period 1988/89; whereas within the limits of this tariff quota, customs duties are to be abolished progressively according to the same timetables and under the same conditions laid down in Articles 5 and 16 of the said Protocol; whereas in the context of the said quota, the Kingdom of Spain and the Portuguese Republic will apply customs duties calculated in accordance with the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community (2);

Whereas roses with large or small flowers and carnations of the unifloral or multifloral type are covered by the quota only where they meet the conditions laid down by Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential

customs duties on imports of certain floricultural products originating in Cyprus, Israel or Jordan (3); whereas these tariff advantages apply only to imports for which certain price conditions are complied with; whereas the Community tariff quota should therefore be opened for the period from 1 November 1988 to 31 October 1989 amounting to 55 tonnes for the period in question;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the product in question into all the Member States until the quota is exhausted; whereas, in the present case, in view of the insignificant utilization of the quota and the concentration of the imports on the market of two Member States, the quota should not be allocated among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under conditions and according to the procedure laid down in Article 1 (3) 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 quota is used and uniform 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, any operation concerning the administration of the quota shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 November 1988 to 31 October 1989 the duty applicable to imports into the Community of the following products originating in Cyprus shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

(1) OJ No L 393, 31. 12. 1987, p. 2.

(2) OJ No L 393, 31. 12. 1987, p. 37.

(3) OJ No L 382, 31. 12. 1987, p. 22.

Order No.	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.14	0603 10 51	Cut flowers and flowers buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared : — fresh : — from 1 November to 31 May — from 1 June to 31 October	55	15,4
	0603 10 53			from 1 November to 31 December
	0603 10 55			
	0603 10 61			
	0603 10 65			13,9
	0603 10 69			from 1 January to 31 May
	0603 10 11			
	0603 10 13			19,6
	0603 10 15			from 1 June to 31 October
	0603 10 21			
	0603 10 25			
	0603 10 29			

Within the limits of this tariff quota, Spain and Portugal shall apply customs duties calculated in accordance with the relevant provisions of the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of Spain and Portugal.

2. Cover by the tariff quota referred to in Article 1 (1) may be interrupted in the case of roses with large or small flowers and carnations of the unifloral or multifloral type if it is established at Community level that the price conditions laid down by Regulation (EEC) No 4088/87 are not complied with.

In such cases, the Commission shall adopt Regulation re-establishing the collection of Common Customs Tariff duties in respect of the products in question and, where appropriate, reintroducing this Regulation on the dates and for the products indicated in those Regulations.

3. If imports of products covered by this tariff quota are made, or are foreseen within fourteen calendar days at the latest, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the quota so permits.

4. If the said Member State does not use up the quantities drawn within the fourteen-day period referred to in paragraph 3, it shall return the remaining unused portion as soon as possible, by telex addressed to the Commission.

Article 2

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 1.(3) enable imports to be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the product concerned have free access to the quota for such time as the residual balance of the quota volume so permits.

3. Member States shall charge imports of the said goods against their drawings as and when the goods are entered with the customs authorities for free circulation.

4. The extent to which the quota has been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 3

At the request of the Commission, Member States shall inform it of imports actually charged against the quota.

Article 4

This Regulation shall enter into force on 1 November 1988.

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

Done at Brussels, 26 September 1988.

For the Council

The President

Th. PANGALOS

COUNCIL REGULATION (EEC) No 3288/88

of 24 October 1988

opening and providing for the administration of Community tariff quotas for Chinese cabbages and 'iceberg' lettuce originating in Morocco and Cyprus (1988)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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 relevant articles of the Protocols to the Agreements between the European Community, on the one hand, and Morocco (1) and Cyprus (2) on the other, provide for the opening of Community tariff quotas for imports into the Community of the following products originating in each of those countries:

- 100 tonnes Chinese cabbages, falling within CN code ex 0704 90 90,
- 100 tonnes of 'iceberg' lettuce falling within CN codes ex 0705 11 10 and ex 0705 11 90,

for the period 1 November to 31 December 1988;

Whereas, within the limits of Community tariff quotas opened for Morocco, the customs duties are to be abolished progressively over the same periods and in accordance with the same timetables as laid down in Articles 75 and 268 of the Act of Accession of Spain and Portugal; whereas for the period 1 November to 31 December 1988, the quota duties are to be equal to 72,7 % and 70 % respectively of the basic duties; whereas, within the limits of the Community tariff quotas opened for Cyprus, the customs duties are to be abolished progressively according to the same timetables and under the same conditions as laid down in Articles 5 and 16 of the Protocol relative thereto;

Whereas, however Council Regulation (EEC) No 3189/88 of 14 October 1988 laying down the arrangements to be applied by Spain and Portugal to trade with Morocco and Syria (3), and the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the

Community (4) provide that those two Member States are to postpone implementation of the preferential arrangements for the products in question until 31 December 1989 and 31 December 1990 respectively; whereas, consequently, the above tariff quotas apply only to the Community as constituted on 31 December 1985;

Whereas these Community tariff quotas should therefore be opened for the period 1 November to 31 December 1988;

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and uninterrupted application of the rates laid down for those quotas to all imports of the products concerned into all Member States until the quotas have been used up; whereas, in the present case, it would appear advisable not to allocate the quotas among the Member States, without prejudice to the drawing against the quota volumes of such quantities as they may need, under the conditions and according to the procedures specified in Article 1 (2); 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, all transactions concerning the administration of quota shares allocated to that economic union may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 November to 31 December 1988, the customs duties applicable to imports into the Community as constituted on 31 December 1985 of the following products originating in Morocco and Cyprus shall be suspended at the levels indicated and within the limits of the Community tariff quotas as shown below:

(1) OJ No L 224, 13. 8. 1988, p. 18.
(2) OJ No L 393, 31. 12. 1987, p. 2.
(3) OJ No L 287, 20. 10. 1988, p. 1.

(4) OJ No L 393, 31. 12. 1987, p. 37.

Order No	CN code	Description	Origin	Volume of tariff quota (in tonnes)	Rate of duty (%)
09.1109	ex 0704 90 90	Chinese cabbages	Morocco	100	10,9
09.1425			Cyprus	100	13,6
09.1111	ex 0705 11 10 ex 0705 11 90	Cabbage lettuce (head lettuce): — crisp head cabbage lettuce (<i>Lactuca sativa</i> <i>L. var. capitata</i> (Iceberg))	Morocco	100	from 1 to 30 November 10,5 % MIN 1,7 ECU/100 kg/net from 1 to 31 December 9,1 % MIN 1,1 ECU/100 kg/net
09.1427			Cyprus	100	from 1 to 30 November 13,6 % MIN 2,2 ECU/100 kg/net from 1 to 31 December 11,8 % MIN 1,4 ECU/100 kg/net

2. If imports of products covered by the quotas referred to in paragraph 1 are made, or are foreseen within the next 14 calendar days at the latest, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent that the available balance of the quotas so permits.

3. If a Member State does not use up the quantities drawn within the period of 14 days, it shall return the remaining unused portion as soon as possible, by way of a telex addressed to the Commission.

Article 2

1. Member States shall take all appropriate measures to ensure that shares drawn pursuant to Article 1 (2) are opened in such a way that imports may be charged without interruption against their accumulated shares of the quotas.

2. Each Member State shall ensure that importers of the products concerned have free access to the quotas for

as long as the residual balance of the quota volumes so permits.

3. Member States shall charge imports of the products concerned against their shares as and when the products are entered with customs authorities for free circulation.

4. The extent to which the quotas have been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 3

At the request of the Commission, Member States shall inform it of imports actually charged against the quotas.

Article 4

This Regulation shall enter into force on 1 November 1988.

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

Done at Luxembourg, 24 October 1988.

For the Council
The President
Th. PANGALOS

COMMISSION REGULATION (EEC) No 3376/88

of 28 October 1988

repealing Regulation (EEC) No 1279/88 applying the duty in the Common Customs Tariff to imports of fresh lemons originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus ⁽¹⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 1279/88 of 10 May 1988 ⁽²⁾ applied the duty in the Common Customs Tariff to imports of fresh lemons originating in Cyprus;

Whereas, pursuant to the second paragraph of Article 4 of Regulation (EEC) No 1252/73, this rule remains in force until the quotations referred to in Article 2 (1) of that Regulation, adjusted by the convention factors and following deduction of import charges other than customs duties, remain equal to or higher than the price laid down in Article 3 of that Regulation for three consecutive

market days on the representative markets of the Community with the lowest quotations;

Whereas the present trend of prices of Cypriot products on the representative markets indicates that the conditions set out in the second paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas Regulation (EEC) No 1279/88 should therefore be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EEC) No 1279/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 29 October 1988.

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

Done at Brussels, 28 October 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.

⁽²⁾ OJ No L 121, 11. 5. 1988, p. 51.

**COMMISSION REGULATION (EEC) No 3550/88
of 15 November 1988**

**applying the duty in the Common Customs Tariff to fresh lemons originating in
Cyprus**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus⁽¹⁾, and in particular Article 5 thereof;

Whereas Article 5 (2) and (3) of Annex I to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus provides for a reduced rate of duty on imports into the Community of fresh lemons originating in Cyprus; whereas, during the period in which reference prices are applied, this reduction is dependent on the observance of a specified price on the Community market; whereas detailed rules for the application of this system are contained in Regulation (EEC) No 1252/73;

Whereas, in certain respects, these rules refer to provisions of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽²⁾ as last amended by Regulation (EEC) No 2238/88⁽³⁾;

Whereas Regulation (EEC) No 1252/73 provides that, where products are imported, the duty in the Common Customs Tariff is applied where quotations for that product, in accordance with the provisions of Article 24 (2) of Regulation (EEC) No 1035/72 recorded on the representative Community markets at the importer/wholesaler stage or converted to that stage, adjusted by the conversion factors and following deduction of import charges other than customs duties, remain lower than the reference price in force, plus the incidence of the Common Customs Tariff on that price and a standard amount fixed at 1,2 units of account (1,44 ECU) per 100 kilograms, for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the conversion factors and import charges other than customs duties are those used for the purpose of

calculating the entry price referred to in Regulation (EEC) No 1035/72; whereas the method of calculating import charges other than customs duties is, for certain cases, defined in Article 2 of Regulation (EEC) No 1252/73;

Whereas, if the system is to operate normally, it should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87⁽⁵⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas application of these rules to quotations recorded for lemons imported into the Community and originating in Cyprus indicates that the conditions set out in the first paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas the duty in the Common Customs Tariff should, therefore, be applied to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 17 November 1988, the duty in the Common Customs Tariff shall be applied to fresh lemons CN code 0805 30 10 imported into the Community and originating in Cyprus.

Article 2

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

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 15 November 1988.

For the Commission

FRANS ANDRIESEN

Vice-President

COUNCIL REGULATION (EEC) No 3551/88
of 14 November 1988
amending Regulation (EEC) No 4088/87 fixing conditions for the application of
preferential customs duties on imports of certain flowers originating in Cyprus,
Israel and Jordan

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Additional Protocol to the Cooperation Agreement between the European Economic Community and Morocco provides that preferential customs duties shall apply to imports into the Community of roses and carnations, within the limit of a tariff quota opened for all fresh cut flowers falling within CN code 0603 10 originating in Morocco; whereas these tariff advantages are applicable only to imports which comply with certain price conditions;

Whereas Regulation (EEC) No 4088/87⁽¹⁾ laid down conditions for the application of preferential customs duties on imports of the said products originating in Cyprus, Israel and Jordan; whereas the application of that Regulation must be extended to cover such flowers originating in Morocco,

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

Done at Brussels, 14 November 1988.

Article 1

Council Regulation (EEC) No 4088/87 is hereby amended as follows:

1. the title is replaced by the following:

'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';

2. in Article 1, 'originating in Cyprus, Israel or Jordan' is replaced by 'originating in Cyprus, Israel, Jordan or Morocco'.

Article 2

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

It shall apply from the date of application of the Additional Protocol to the Cooperation Agreement between the European Economic Community and Morocco.

For the Council
The President
Y. POTTAKIS

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

**COMMISSION REGULATION (EEC) No 3556/88
of 14 November 1988**

amending Regulation (EEC) No 700/88 laying down certain detailed rules for the application of the arrangements for the import into the Community of certain flowers originating in Cyprus, Israel and Jordan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic 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 amended by Regulation (EEC) No 3551/88⁽²⁾,

Whereas the abovementioned Council Regulation (EEC) No 3551/88 extends to products originating in Morocco the system of prices to be complied with for imports of certain floricultural products originating in Cyprus, Israel and Jordan; whereas Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down certain detailed rules for the application of the arrangements for the import into the Community of certain flowers originating in Cyprus, Israel and Jordan⁽³⁾ should accordingly be adapted by indicating the products originating in Morocco;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Live Plants,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 700/88 is hereby amended as follows:

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

Done at Brussels, 14 November 1988.

1. The title is replaced by the following:

'Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down certain detailed rules for the application of the arrangements for the import into the Community of certain floricultural products originating in Cyprus, Israel, Jordan and Morocco';

2. In Article 4, 'Cyprus, Israel and Jordan' is replaced by 'Cyprus, Israel, Jordan and Morocco'.

Article 2

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

It shall apply from the application of the Additional Protocol to the Cooperation Agreement between the European Economic Community and Morocco.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 72, 18. 3. 1988, p. 16.

COMMISSION REGULATION (EEC) No 3557/88
of 14 November 1988

fixing Community producer prices for carnations and roses for the application of the import arrangements for certain floricultural products originating in Cyprus, Israel, Jordan and Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic 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 amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (a) thereof,

Whereas, pursuant to Article 3 of the abovementioned Regulation (EEC) No 4088/87, Community producer prices applicable for fortnightly periods are fixed twice a year before 15 May and 15 October for uniflorous (bloom) carnations, multiflorous (spray) carnations, large-flowered roses and small-flowered roses; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 700/88 of 17 March 1988 laying down certain detailed rules for the application of the arrangements for the import into the Community of certain flowers originating in Cyprus, Israel and Jordan⁽³⁾, as amended by Regulation (EEC) No 3556/88⁽⁴⁾, prices for roses are determined on the basis of the average daily prices recorded on the representative producer markets for the pilot varieties of quality grade 1 in the three preceding years; whereas for carnations those prices are fixed under the same conditions for the bloom and spray types; whereas, for the determination of the

average, prices which differ by 40 % and more from the average price recorded on the same market during the same period during the three preceding years are excluded;

Whereas the Community producer prices for the fortnightly periods to 6 June, 1989 should be determined on the basis of data provided by the Member States;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Live Plants,

HAS ADOPTED THIS REGULATION:

Article 1

The Community producer for large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations provided for in Article 3 of Regulation (EEC) No 4088/87 for the fortnightly periods to 6 June 1989 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 November 1988.

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

Done at Brussels, 14 November 1988.

For the Commission

FRANS ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁴⁾ See page 8 of this Official Journal.

ANNEX

Community producer prices

Weeks	Period	<i>(ECU per 100 pieces)</i>			
		Uniflorous carnations (bloom)	Multiflorous carnations (spray)	Large-flowered roses	Small-flowered roses
46	17. 11. to 20. 11. 1988	14,44	11,85	31,52	13,68
47/48	21. 11. to 4. 12. 1988	15,45	12,53	37,33	15,25
49/50	5. 12. to 18. 12. 1988	15,53	12,14	34,90	14,94
51/52	19. 12. to 31. 12. 1988	20,34	13,52	48,91	20,76
1/ 2	1. 1. to 15. 1. 1989	16,32	10,66	46,56	19,82
3/ 4	16. 1. to 29. 1. 1989	15,59	10,72	49,83	21,12
5/ 6	30. 1. to 12. 2. 1989	16,64	11,83	62,02	24,65
7/ 8	13. 2. to 26. 2. 1989	15,95	12,42	67,52	31,94
9/10	27. 2. to 12. 3. 1989	12,84	10,50	49,97	24,00
11/12	13. 3. to 26. 3. 1989	13,54	11,55	40,44	22,54
13/14	27. 3. to 9. 4. 1989	13,85	12,90	37,73	18,55
15/16	10. 4. to 23. 4. 1989	11,85	12,81	34,35	17,09
17/18	24. 4. to 8. 5. 1989	12,82	13,46	30,01	16,99
19/20	9. 5. to 21. 5. 1989	12,48	11,80	24,97	12,55
21/22	22. 5. to 4. 6. 1989	11,31	11,54	24,26	11,83

COMMISSION REGULATION (EEC) No 3671/88
of 24 November 1988
abolishing the countervailing charge on lemons originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 3603/88⁽³⁾, introduced a countervailing charge on lemons originating in Cyprus;

Whereas the present trend of prices for products originating in Cyprus on the representative markets referred to in Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that

Regulation, indicated that entry prices have been at least equal to the reference price for two consecutive market days; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Cyprus can be abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3603/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 25 November 1988.

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

Done at Brussels, 24 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 313, 1. 11. 1988, p. 26.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

COMMISSION REGULATION (EEC) No 3962/88

of 19 December 1988

introducing a countervailing charge on fresh lemons originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25a (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a non-member country is alternatively above and below the reference price for five to seven consecutive market days a countervailing charge is introduced in respect of that non-member country, save in exceptional cases; whereas that charge is introduced when three entry prices fall below the reference price and one of those entry prices is at least ECU 0,6 below the reference price; whereas that charge is equal to the difference between the reference price and the last available entry price by at least ECU 0,6 below the reference price;

Whereas Commission Regulation (EEC) No 1386/88 of 20 May 1988 fixing for the 1988/89 marketing year the reference prices for fresh lemons⁽³⁾ fixed the reference price for products of class I at ECU 47,15 per 100 kilograms net for the period from November 1988 to April 1989;

Whereas the entry price for a given exporting country is equal to the lowest representative prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by

Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas for fresh lemons originating in Cyprus the entry prices calculated in this way have for five consecutive market days been alternatively above and below the reference price; whereas three of these entry prices are at least ECU 0,6 below the reference prices; whereas a countervailing charge should therefore be introduced for these fresh lemons;

Whereas, if the system is to operate normally, the entry price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁶⁾, as last amended by Regulation (EEC) No 1636/87⁽⁷⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent, and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge of ECU 2,39 per 100 kilograms net is applied to fresh lemons (CN code ex 0805 30 10) originating in Cyprus.

Article 2

This Regulation shall enter into force on 21 December 1988.

Subject to the provisions of the second subparagraph of Article 26 (2) of Regulation (EEC) No 1035/72, this Regulation shall be applicable until 26 December 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 128, 21. 5. 1988, p. 21.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁷⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 19 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

**COMMISSION REGULATION (EEC) No 4070/88
of 23 December 1988**

**repealing Regulation (EEC) No 3550/88 applying the duty in the Common
Customs Tariff to imports of fresh lemons originating in Cyprus**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Spain and
Portugal,

Having regard to Council Regulation (EEC) No
1252/73 of 14 May 1973 on imports of citrus fruits ori-
ginating in Cyprus ⁽¹⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 3550/88 of
15 November 1988 ⁽²⁾ applied the duty in the Common
Customs Tariff to imports of fresh lemons originating in
Cyprus;

Whereas, pursuant to the second paragraph of Article 4 of
Regulation (EEC) No 1252/73, this rule remains in force
until the quotations referred to in Article 2 (1) of that
Regulation, adjusted by the convention factors and
following deduction of import charges other than customs
duties, remain equal to or higher than the price laid down
in Article 3 of that Regulation for three consecutive

market days on the representative markets of the
Community with the lowest quotations;

Whereas the present trend of prices of Cypriot products
on the representative markets indicates that the condi-
tions set out in the second paragraph of Article 4 of
Regulation (EEC) No 1252/73 are fulfilled; whereas
Regulation (EEC) No 3550/88 should therefore be
repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EEC) No 3550/88 is hereby
repealed.

Article 2

This Regulation shall enter into force on 24 December
1988.

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

Done at Brussels, 23 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.

⁽²⁾ OJ No L 310, 16. 11. 1988, p. 26.

COMMISSION REGULATION (EEC) No 4180/88

of 30 December 1988

applying the duty in the Common Customs Tariff to fresh lemons originating in Cyprus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1252/73 of 14 May 1973 on imports of citrus fruits originating in Cyprus⁽¹⁾, and in particular Article 5 thereof;

Whereas Article 5 (2) and (3) of Annex I to the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus provides for a reduced rate of duty on imports into the Community of fresh lemons originating in Cyprus; whereas, during the period in which reference prices are applied, this reduction is dependent on the observance of a specified price on the Community market; whereas detailed rules for the application of this system are contained in Regulation (EEC) No 1252/73;

Whereas, in certain respects, these rules refer to provisions of Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽²⁾ as last amended by Regulation (EEC) No 2238/88⁽³⁾;

Whereas Regulation (EEC) No 1252/73 provides that, where products are imported, the duty in the Common Customs Tariff is applied where quotations for that product, in accordance with the provisions of Article 24 (2) of Regulation (EEC) No 1035/72 recorded on the representative Community markets at the importer/wholesaler stage or converted to that stage, adjusted by the conversion factors and following deduction of import charges other than customs duties, remain lower than the reference price in force, plus the incidence of the Common Customs Tariff on that price and a standard amount fixed at 1,2 units of account (1,44 ECU) per 100 kilograms, for three consecutive market days on the representative markets of the Community with the lowest quotations;

Whereas the conversion factors and import charges other than customs duties are those used for the purpose of

calculating the entry price referred to in Regulation (EEC) No 1035/72; whereas the method of calculating import charges other than customs duties is, for certain cases, defined in Article 2 of Regulation (EEC) No 1252/73;

Whereas, if the system is to operate normally, it should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the corrective factor provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁴⁾, as last amended by Regulation (EEC) No 1636/87⁽⁵⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded over a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient;

Whereas application of these rules to quotations recorded for lemons imported into the Community and originating in Cyprus indicates that the conditions set out in the first paragraph of Article 4 of Regulation (EEC) No 1252/73 are fulfilled; whereas the duty in the Common Customs Tariff should, therefore, be applied to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

As from 3 January 1989, the duty in the Common Customs Tariff shall be applied to fresh lemons CN code 0805 30 10 imported into the Community and originating in Cyprus.

Article 2

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

⁽¹⁾ OJ No L 133, 21. 5. 1973, p. 113.

⁽²⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽³⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽⁴⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁵⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 30 December 1988.

For the Commission
FRANS ANDRIESEN
Vice-President

COUNCIL REGULATION (EEC) No 4229/88

of 19 December 1988

opening and providing for the administration of Community tariff quotas for sweet peppers, salad beetroot, dried grapes and certain types of concentrated grape juice originating in Cyprus (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Articles 18 and 19 of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus, as supplemented by the Protocol laying down the conditions and procedures for the implementation of the second stage of the said Agreement and adapting certain provisions thereof ⁽¹⁾, provide for the opening of annual Community tariff quotas for:

- 300 tonnes of sweet peppers falling within CN code 0709 60 10,
- 1 500 tonnes of salad beetroot falling within CN code ex 0709 30 00,
- 1 500 tonnes of dried grapes in immediate containers of a net capacity not exceeding 15 kg falling within CN code 0806 20 11, 0806 20 19, ex 0806 20 91 or ex 0806 20 99, and
- 3 000 tonnes of certain types of concentrated grape juice falling within CN code 2009 60 51, 2009 60 71, ex 2009 60 90 or ex 2204 30 91,

originating in Cyprus;

Whereas, pursuant to Article 18 of the Protocol in question, these quantities are subject to an annual increase of 5% from the entry into force of the Protocol, and the quotas in 1989 will accordingly be 330 tonnes, 1 650 tonnes, 1 650 tonnes and 3 300 tonnes respectively; whereas, within the limits of these tariff quotas, the customs duties applicable are to be phased out over the same periods and at the same rates as provided for in Articles 5 and 16 of the said Protocol;

Whereas, however, the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community ⁽²⁾, provides that for products covered by

Regulation (EEC) No 1035/72 ⁽³⁾ as last amended by Regulation (EEC) No 2238/88 ⁽⁴⁾, those Member States are to postpone application of the preferential arrangements until 31 December 1989 and 31 December 1990 respectively; whereas pursuant to the said Protocol the Portuguese Republic is to postpone application of the preferential arrangements for products covered by Regulation (EEC) No 822/87 on the common organization of the market in wine ⁽⁵⁾ until the start of the second stage; whereas this Regulation therefore only applies:

- to sweet peppers and salad beetroot in the Community as constituted on 31 December 1985,
- to dried grapes in the Community as at present constituted, and
- to concentrated grape juice in the Community excluding Portugal;

Whereas these Community tariff quotas should therefore be opened for 1989;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the products in question into all Member States until the quota is exhausted; whereas, however, the quota should not in this case be allocated among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under the conditions and according to the procedure laid down in Article 2 (1); 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 quota is used and inform the Member States accordingly;

Whereas if, during the quota period, the tariff quota is almost totally used up, it is indispensable that Member States return to this quota the entirety of the drawings made which have not been used, in order to avoid one part of the Community

⁽¹⁾ OJ No L 393, 31. 12. 1987, p. 1.

⁽²⁾ OJ No L 393, 31. 12. 1987, p. 36.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁴⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽⁵⁾ OJ No L 84, 27. 3. 1987, p. 1.

tariff quota remaining unused in one Member State when it could be used in others;

HAS ADOPTED THIS REGULATION:

Article 1

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, any operation concerning the administration of the quota share levied by that economic union may be carried out by any one of its members,

1. Form 1 January to 31 December 1989 the duties applicable to imports into the Community of the following products originating in Cyprus shall be suspended at the levels indicated below and within the limits of Community tariff quotas as shown below:

Order No	CN code	Description	Volume of tariff quota (tonnes)	Rate of duty (%)	Applicability
09.1409	0709 60 10	Sweet peppers	330	3,6	in the Community as constituted at 31 December 1985
09.1411	ex 0706 90 90	Salad beetroot	1 650	6,9	in the Community as constituted at 31 December 1985
09.1413	0806 20 11 0806 20 19 ex 0806 20 91 ex 0806 20 99	Dried grapes, in immediate containers of a net capacity not exceeding 15 kg	1 650	free	in the Community as at present constituted
09.1421	2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter: - Grape juice (including grape must): - - Of a density not exceeding 1,33 g/cm ³ at 20 °C: - - - Of a value exceeding ECU 18 per 100 kg net weight: 2009 60 51 - - - - Concentrated - - - - Of a value not exceeding ECU 18 per 100 kg net weight: - - - - With an added sugar content exceeding 30% by weight: 2009 60 71 - - - - - Concentrated ex 2009 60 90 - - - - - Other: - - - - - Concentrated within the meaning of additional note 6 to Chapter 20 of the combined nomenclature	3 300	22,9 + AD S/Z	in the Community excluding Portugal
	2204	Wine of fresh grapes, including fortified wines; grape must other than that of heading No 2009: - Other grape must: - - Other: - - - Of a density of 1,33 g/cm ³ or less at 20 °C and of an actual alcoholic strength by volume not exceeding 1% vol: - - - Concentrated within the meaning of additional note 6 to Chapter 20 of the combined nomenclature			

2. Within the limits of the tariff quota for dried grapes, Spain and Portugal shall apply duties calculated in accordance with the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of Spain and Portugal to the Community.

3. Within the limits of the tariff quota for concentrated grape juice Spain shall apply duties calculated in accordance with the relevant provisions of the Protocol referred to in paragraph 2.

Article 2

1. If an importer gives notification of imminent imports of the products in question into a Member State and applies to take advantage of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the quota so permits.

2. Without prejudice to Article 3, shares drawn pursuant to paragraph 1 shall be valid until the end of the quota period.

Article 3

1. Once at least 80% of the tariff quota as defined in Article 1 (1) has been used up, the Commission shall notify the Member States thereof.

2. It shall also notify Member States in this case of the date from which drawings on the tariff quota must be made according to the following provisions:

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into 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 as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the quota, allocation shall be made on a pro rata basis with respect to the requests. Member States shall be informed by the Commission in accordance with the same procedures.

3. Within a time limit laid down by the Commission starting from the date referred to in the first subparagraph of paragraph 2, Member States shall be required to return to the tariff quota all the quantities which have not been used on that date, within the meaning of Article 4 (3) and (4).

Article 4

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 2 (1) enable imports to be charged without interruption against their accumulated shares of the Community quotas.

2. Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quota volume so permits.

3. Member States shall charge imports of the products concerned against their drawings as and when the goods are entered with the customs authorities for free circulation.

4. The extent to which the quota has been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 5

At the request of the Commission, Member States shall inform it of imports of the products concerned actually charged against the quota.

Article 6

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

Article 7

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council
The President
TH. PANGALOS

COUNCIL REGULATION (EEC) No 4230/88

of 19 December 1988

opening, allocating and providing for the administration of Community tariff quotas for wine of fresh grapes and liqueur wines originating in Cyprus (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus, as modified and supplemented by the Protocol laying down the conditions and procedures for the implementation of the second stage of the said Agreement and adapting certain provisions thereof ⁽¹⁾, provides for the opening of Community tariff quotas for:

- 35 000 hectolitres of certain wines of fresh grapes, in containers holding 2 litres or less, falling within CN code 2204 21 25, ex 2204 21 29, ex 2204 21 35 or ex 2204 21 39;
- 26 000 hectolitres of certain wines of fresh grapes, in containers holding more than 2 litres, falling within CN code ex 2204 29 25, ex 2204 29 29, 2204 29 35 or ex 2204 29 39; and
- 150 000 hectolitres of certain liqueur wines falling within CN code ex 2204 21 35, ex 2204 21 39, ex 2204 29 35, ex 2204 29 39, ex 2204 21 49, ex 2204 29 49, ex 2204 21 59 or ex 2204 29 59, originating in Cyprus;

Whereas, pursuant to Articles 18 and 19 of the said Protocol, the quantities for all the above products except wine of fresh grapes in containers holding more than 2 litres are subject to an annual increase of 5 % from the entry into force of the Protocol; whereas the quotas in 1989 will accordingly be 38 500 hl, 26 000 hl, and 165 000 hl respectively; whereas, however, the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community ⁽²⁾ provides that from its entry into force Spain is to apply a duty reducing the gap between the rate of the basic duty and that of the preferential duty and that Portugal is to postpone application of the preferential arrangements for the products in question until the start of the second stage; whereas these Community tariff quotas should therefore be opened for 1989;

Whereas the wines in question are subject to the free-at-frontier reference price; whereas the said wines qualify for these tariff quotas only if Article 54 of Regulation (EEC) No 822/87⁽³⁾, as last amended by Regulation (EEC) No 2964/88⁽⁴⁾, is adhered to;

Whereas liqueur wines, to qualify for the Community tariff quota, must be so designated in the VI 1 document or VI 2 extract provided for in Regulation (EEC) No 3590/85⁽⁵⁾,

Whereas Article 21 of the above-mentioned Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an Association between the Community and Cyprus lays down that for wine of fresh grapes in containers holding two litres or less falling within CN code 2204 21 25, ex 2204 21 29, 2204 21 35 or ex 2204 29 39, the fixed amount corresponding to the normal packaging costs referred to in Article 53 (1) of the said Regulation (EEC) No 822/87 is to be phased out within the limit of an annual volume of 35 000 hectolitres; whereas the said free-at-frontier price is thereby reduced by a corresponding amount; whereas it is therefore necessary to set up a double notification procedure for the administration of the said volume;

Whereas all Community importers should be ensured equal and continuous access to the said quotas and the duty rates laid down for the quotas should be applied consistently to all imports of the products in question into all Member States until the quotas are exhausted;

Whereas, for the period of application of this Regulation, it appears necessary to maintain an allocation between the Member States of the quotas concerned, since the administrations of the Member States are unable to provide by 1 January 1989, the administrative and technical conditions required for the Community management of quotas for these products originating in Cyprus; whereas it does, however, seem advisable to provide for a further increase in the Community reserve;

Whereas provision should be made for a mechanism to prevent, when the Community quota is not used up, goods from being imported into a Member State which has used up

⁽¹⁾ OJ No L 393, 31. 12. 1987, p. 2.

⁽²⁾ OJ No L 393, 31. 12. 1987, p. 37.

⁽³⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽⁴⁾ OJ No L 269, 29. 9. 1988, p. 5.

⁽⁵⁾ OJ No L 343, 20. 12. 1985, p. 20.

its share only after the full application of customs duties, or after having been diverted to another Member State whose share has not yet been used up; whereas, under the circumstances, if, during the quota period, the Community reserve were to be almost entirely used up, Member States should return to the said reserve all of the unused portion of their initial shares so as to avoid part of the Community tariff quota from remaining unused in one Member State, when it could be used in others;

as to reflect as closely as possible the actual market trend of the products in question, be carried out *pro rata* the needs of the Member States, calculated, on the one hand, on the basis of the statistical data relating to imports of the said products from Cyprus over a representative reference period and, on the other hand, on the basis of the economic outlook for the quota periods considered;

Whereas, taking into account the traditional trends in trade, the allocation maintained between Member States must, so

Whereas during the last three years for which statistics are available sales of the said wines on the market of each Member State were as follows:

(hectolitres)

Member States	Wine of fresh grapes						Liqueur wines		
	In containers holding 2 litres or less			In containers holding more than 2 litres			1985	1986	1987
	1985	1986	1987	1985	1986	1987			
Benelux	80,95	266,71	77,54	—	—	—	101,85	14,40	—
Denmark	235,46	526,37	504,96	—	—	—	15,35	28,35	1,80
Germany	260,00	367,00	420,00	178	5 755	8 477	692,00	464,00	383,00
Greece	—	10,00	2,00	—	—	—	—	—	—
Spain	—	—	—	—	—	—	—	—	—
France	—	—	—	—	—	—	—	—	—
Ireland	204,00	116,00	22,00	—	—	—	7,00	21,64	—
Italy	—	—	—	—	—	—	—	—	—
Portugal	—	—	—	—	—	—	—	—	—
United Kingdom	4 880,00	3 950,28	4 384,75	21 529	17 776	12 466	27 571,00	38 368,82	59 633,31

Whereas during the last three years the products in question were imported regularly only by certain Member States and not at all or only occasionally by the other Member States; whereas in these circumstances initial shares should in the first instance be allocated only to the genuine importing Member States, while the others should be guaranteed access to quotas when they actually import the goods; whereas these allocation arrangements will ensure the uniform application of the Common Customs Tariff;

Commission, and the Commission must be able to keep account of quota utilization rates 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, any operation concerning the administration of the quota shares allocated to that economic union may be carried out by any one of its members,

Whereas to allow for the trend of imports of the products in question in the various Member States the quotas should be divided into two parts, the first being allocated among certain Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial shares and any requirements which might arise in the other Member States; whereas, to afford importers in each Member State some degree of certainty, an appropriate level for the first part of the Community quotas would, in the present circumstances, be 54 % of the quotas for wine of fresh grapes in containers holding two litres or less and liqueur wines and 30 % of the quota for other wine of fresh grapes;

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989 the customs duties applicable to imports into the Community excluding Portugal of the following products originating in Cyprus shall be suspended at the levels indicated below and within the limits of Community tariff quotas as shown below:

Whereas this form of administration requires close collaboration between the Member States and the

Order No	CN code	Description	Quota volume (hl)	Rate of duty
(1)	(2)	(3)	(4)	(5)
09.1415	2204 21 25 ex 2204 21 29 ex 2204 21 35 ex 2204 21 39	Wine of fresh grapes, including fortified wines; grape must other than that of heading No 2009:	38 500	2,9 ECU/hl
		- Other wine; grape must with fermentation prevented or arrested by the addition of alcohol:		
		- - In containers holding 2 litres or less:		
		- - - Other:		
		- - - - Of an actual alcoholic strength by volume not exceeding 13 % vol:		
		- - - - - Other:		
		- - - - - White ⁽¹⁾		
		- - - - - Other wine ⁽¹⁾		
		- - - - - Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol:		
		- - - - - Other:		
09.1423	2204 29 25 ex 2204 29 29 2204 29 35 ex 2204 29 39	- - - - - White:	26 000	8,9 ECU/hl
		- Other than liqueur wines of an actual alcoholic strength by volume of 15 % vol ⁽¹⁾		
		- - - - - Other:		
		- - - - - Other:		
		- - - - - Of an actual alcoholic strength by volume not exceeding 13 % vol:		
		- - - - - Other:		
		- - - - - White		
		- - - - - Other wine		
		- - - - - Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol:		
		- - - - - Other:		
09.1417	2204 29 35 ex 2204 29 39 ex 2204 21 49 ex 2204 21 59	- - - - - White:	165 000	4,1 ECU/hl
		- Liqueur wines of an actual alcoholic strength by volume of 15 % vol		
		- - - - - Other:		
		- Liqueur wines of an actual alcoholic strength by volume of 15 % vol		
		- - - - - Of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol:		
		- - - - - Other:		
		- Liqueur wines		
		- - - - - Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol:		
		- - - - - Other:		
		- Liqueur wines		

(1)	(2)	(3)	(4)	(5)
09.1417 (cont'd)		-- Other:	165 000 (cont'd)	}
		-- -- Other:		
		-- -- -- Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol:		
		-- -- -- -- Other:		
ex 2204 29 35		-- -- -- -- -- White:		
		-- -- -- -- -- Liqueur wines of an actual alcoholic strength by volume of 15 %		
ex 2204 29 39		-- -- -- -- -- Other:		
		-- -- -- -- -- Liqueur wines of an actual alcoholic strength by volume of 15 %		
		-- -- -- -- -- Of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol:		
ex 2204 29 49		-- -- -- -- -- Other:		
		-- -- -- -- -- Liqueur wines		
		-- -- -- -- -- Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol:		
ex 2204 29 59		-- -- -- -- -- Other:		
		-- -- -- -- -- Liqueur wines		

(1) The reference price for products falling within these CN codes is increased by a fixed amount corresponding to the normal packaging costs, which is being phased out at the rate laid down in Article 21 of the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an Association between the Community and Cyprus, for an annual volume of 35 000 hectolitres.

Within the limits of these tariff quotas, the Kingdom of Spain shall apply duties calculated in accordance with the relevant provisions of the Protocol to the Association Agreement between the European Economic Community and the Republic of Cyprus consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community.

document or VI 2 extract provided for by Regulation (EEC) No 3590/85.

Article 2

2. The wine in question shall be subject to the free-at-frontier reference price. It shall qualify for the tariff quotas only if Article 54 of Regulation (EEC) No 822/87 is adhered to.

1. The tariff quotas referred to in Article 1 shall be divided into two parts.

3. Liqueur wines shall qualify for the tariff quota only if they are designated as liqueur wines in the VI 1

3. The first part of each tariff quota, amounting to 20 790 hectolitres, 7 800 hectolitres and 89 100 hectolitres respectively, shall be allocated among certain Member States. The following quota shares shall be valid until 31 December 1989:

Member State	CN codes 2204 21 25 ex 2204 21 29 ex 2204 21 35 ex 2204 21 39	CN codes 2204 29 25 ex 2204 29 29 2204 29 35 ex 2204 29 39	CN codes ex 2204 21 ex 2204 29
	Wine of fresh grapes in containers holding 2 litres or less	Wine of fresh grapes in containers holding 2 litres or less	Liqueur wines
Benelux	543	—	90
Denmark	1 617	—	46
Germany	1 335	1 703	1 078
Greece	17	—	—
Ireland	432	—	—
United Kingdom	16 846	6 097	87 886

3. The second part of each quota, amounting to:

- 17 710 hectolitres of wine of fresh grapes in containers holding 2 litres or less falling within CN code 2204 21 25, ex 2204 21 29, ex 2204 21 35 or ex 2204 21 39;
- 18 200 hectolitres of wine of fresh grapes in containers holding more than 2 litres falling within CN code 2204 29 25, ex 2204 29 29, 2204 29 35 or ex 2204 29 39; and
- 75 900 hectolitres of liqueur wines falling within CN code ex 2204 21 or ex 2204 29,

respectively shall constitute the corresponding Community reserve.

4. If an importer indicates that he is about to import any of the products in question into a Member State which does not participate in the initial allocation or which has exhausted its initial quota and applies to use the corresponding quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the quota so permits.

5. Without prejudice to Article 3, the drawings made pursuant to paragraph 4 shall be valid until the end of the quota period.

Article 3

1. Once at least 80% of the reserve of one of the tariff quotas, as defined in Article 2 (3), has been used up, the Commission shall inform the Member States thereof.

2. It shall also notify Member States in this case of the date from which drawings on the Community reserve must be made according to the following provisions:

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the Community reserve, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into 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 as soon as possible to the reserve.

If the quantities requested are greater than the available balance of the reserve, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission in accordance with the same procedures.

3. Within a time limit fixed by the Commission as from the date referred to in the first subparagraph of paragraph 2, Member States shall be required to return to the reserve all the quantities which have not been used on that date, within the meaning of Article 5 (3) and (4).

Article 4

The Commission shall keep an account of the shares drawn by the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each State of the extent to which the reserves have been used up.

It shall inform the Member States, of the amounts still in reserve after amounts have been returned thereto pursuant to Article 3.

It shall ensure that the drawing which uses up a reserve does not exceed the balance available and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 5

1. The Member States shall take all measures necessary to ensure that drawings of shares pursuant to Article 2 (4) and Article 3 are carried out in such a way that imports may be charged without interruption against their accumulated shares in the Community tariff quotas.

2. The Member States shall ensure that importers of the products in question have free access to the shares allocated to them.

3. The Member States shall charge imports of the products against their shares as and when they are entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of imports charged in accordance with paragraph 3.

Article 6

At the request of the Commission, Member States shall inform it of imports of the products concerned actually charged against their shares.

Article 7

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

Article 8

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council
The President
Th. PANGALOS

EEC-MALTA Association

The Compilation of Texts pertaining to the "Association between the European Economic Community and Malta" contains all the acts adopted by the various Institutions of the Association pursuant to the Agreement signed at Valletta on 5 December 1970 as well as the acts adopted by the EEC concerning Malta.

PROVISIONS WITHIN THE EEC

**COMMISSION REGULATION (EEC) No 4120/88
of 23 December 1988**

extending the periods of validity of Regulations (EEC) No 3044/79 and (EEC) No 1782/80 on Community surveillance of imports of certain textile products originating in Malta and Egypt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports⁽¹⁾, as amended by Regulation (EEC) No 1243/86⁽²⁾, and in particular Article 10 thereof,

Having consulted the advisory committee set up under Article 5 of that Regulation,

Whereas Commission Regulation (EEC) No 2819/79⁽³⁾, the period of validity of which was last amended by Regulation (EEC) No 4119/88⁽⁴⁾, makes imports of certain textile products originating in certain non-member countries subject to Community surveillance;

Whereas, by Regulation (EEC) No 3044/79⁽⁵⁾, as last amended by Regulation (EEC) No 3928/87⁽⁶⁾, the Commission established Community surveillance of imports of certain textile products originating in Malta;

Whereas, by Regulation (EEC) No 1782/80⁽⁷⁾, as last amended by Regulation (EEC) No 3928/87, the

Commission established Community surveillance of imports of certain textile products originating in Egypt;

Whereas those Regulations expire on 31 December 1988;

Whereas the reasons that justified the introduction of the above Regulations are still valid; whereas the said Regulations should therefore be extended for an additional period,

HAS ADOPTED THIS REGULATION:

Article 1

Community surveillance of imports of certain textile products, established by Regulations (EEC) No 3044/79 and (EEC) No 1782/80, is hereby extended until 31 December 1989.

Article 2

This Regulation shall enter into force on 1 January 1989.

It shall apply until 31 December 1989.

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

Done at Brussels, 23 December 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.
⁽²⁾ OJ No L 113, 30. 4. 1986, p. 1.
⁽³⁾ OJ No L 320, 15. 12. 1979, p. 9.
⁽⁴⁾ See page 24 of this Official Journal.
⁽⁵⁾ OJ No L 343, 31. 12. 1979, p. 8.
⁽⁶⁾ OJ No L 369, 29. 12. 1987, p. 31.
⁽⁷⁾ OJ No L 174, 9. 7. 1980, p. 16.

COUNCIL REGULATION (EEC) No 4227/88

of 19 December 1988

totally or partially suspending the duties applicable to certain products falling within Chapters 1 to 24 of the combined nomenclature and originating in Malta (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Annex I to the Agreement establishing an Association between the European Economic Community and Malta⁽²⁾, the Community must partially suspend the Common Customs Tariff duties applicable to certain products; whereas it would also be appropriate provisionally to adjust or supplement certain of the tariff benefits provided for in the said Annex; whereas, in respect of products listed in the Annex to this Regulation and originating in Malta, the Community should accordingly suspend the fixed component of the charge applicable to goods covered by Regulation (EEC) No 3033/80 and the customs duty applicable to other goods at the levels indicated for each product from 1 January to 31 December 1989;

Whereas, since a Protocol as provided for in Articles 179 and 366 of the Act of Accession of Spain and Portugal does not exist, the Community must take the measures referred to in Articles 180 and 367 of that Act; whereas this Regulation applies to the Community as constituted on 31 December 1985,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989 products listed in the Annex and originating in Malta shall be imported into

⁽¹⁾ OJ No L 323, 29. 11. 1980, p. 1.

⁽²⁾ OJ No L 61, 14. 3. 1971, p. 3.

the Community as constituted on 31 December 1985 at the rates of duty indicated in the Annex for each product.

2. For the purposes of applying this Regulation, the rules of origin shall be those in force at the time for the implementation of the Agreement establishing an association between the European Economic Community and Malta.

Article 2

Where products benefiting from the arrangements provided for in Article 1 are imported into the Community in such quantities or at such prices that they cause or threaten to cause material injury to Community producers of like or directly competing products, the duties applicable may be partially or totally reimposed on the products concerned. Such measures may be taken also in the event of material injury or threat of material injury limited to one region of the Community.

Article 3

1. In order to implement Article 2 the Commission may adopt a Regulation reimposing customs duties for a given period.

2. Where a Member State asks the Commission to adopt such a Regulation, the Commission shall reach its decision within a maximum of 10 working days from the day on which it receives the request and shall inform the Member States of the action taken.

3. Any Member State may refer the measure taken by the Commission to the Council within 10 working days of notification. The fact that the matter is referred to the Council shall not cause the measure to be suspended. The Council shall meet immediately. It may, acting on a qualified majority, amend or rescind the measure in question.

Article 4

This Regulation shall enter into force on the 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council
The President
Th. PANGALOS

ANNEX (a)

Order No	CN code	Description	Rate of duty
16.0001	0203 11 90 0203 12 90 0203 19 90 0203 21 90 0203 22 90 0203 29 90	Meat of swine, fresh, chilled or frozen	free
16.0003		Other meat and edible meat offal, fresh, chilled or frozen: - Other:	
	0208 90 10	- - Of domestic pigeons	5%
16.0005	0208 10 90 ex 0208 90 30	Of furred game	free
16.0007	0208 20 00	Frogs' legs	free
16.0009	0208 90 90	Other	free
16.0011	0409 00 00	Natural honey	25%
16.0023	ex 0603 90 00	Cut flowers, not further prepared than dried	7%
16.0025	ex 0603 90 00	Cut flowers, dyed, bleached, impregnated or otherwise prepared	15%
16.0027	0706 90 30	Horse-radish (<i>Cochlearia armoracia</i>)	13%
16.0029	ex 0709 90 90	Okra	free
16.0031	ex 0710 80 90	Okra	13%
16.0033	ex 0711 90 70	Okra.	free
16.0035	ex 0712 90 90	Horse-radish (<i>Cochlearia armoracia</i>)	free
16.0037	ex 0712 90 90	Okra	7%
16.0039	0810 20 90 0810 30 90 0810 40 90 ex 0810 90 90	Other berries	5%
16.0041	1519 13 00 1519 19 00 1519 20 00	Tall oil fatty acids Other Acid oils from refining	free
16.0043	1602 20 10	Other prepared or preserved meat, meat offal or blood: - Goose or duck liver	14%
16.0045	ex 1602 90 31	Game	8%
16.0047	ex 1602 90 31	Rabbit	14%
16.0049	ex 1602 50 90	Prepared or preserved bovine tongue	17%
16.0051	ex 1602 90 71 ex 1602 90 79	Other, of sheep	18%
16.0053	ex 1602 90 79	Other, of goats	16%

Order No	CN code	Description	Rate of duty
16.0055	1602 90 99	Other	16 %
16.0057	2003 20 00	Truffles	14 %
16.0059	ex 2004 90 99 2005 60 00	Asparagus	20 %
16.0061	ex 2004 90 30 2005 30 00	Sauerkraut	15 %
16.0063	ex 2004 90 30 2005 90 30	Capers	12 %
16.0065	ex 2004 90 99 ex 2005 90 90	Other <i>Moringa oleifera</i> (drumsticks)	free
16.0067	ex 2009 80 39	Date juice	free
16.0069	ex 2009 80 39	Fruit falling within heading Nos 0801, 0803, 0804 (except dates and figs), 0807 20 00, 0810 40 10, 0810 40 50, 0810 30 90, 0810 20 90, 0810 40 90, 0810 90 10, 0810 90 90	8 %
16.0071	ex 2009 80 31 ex 2009 90 21	Other fruit falling within heading Nos 0801, 0803, 0804 (excluding figs and pineapples), 0807 20 00, 0810 30 90, 0810 20 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 90 Mixtures of juices of a value not exceeding ECU 30 per 100 kg net weight: - Fruit falling within heading Nos 0801, 0803, 0804 (excluding figs and pineapples), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 90	8 % + AGR
16.0073	2009 20 99	Grapefruit juice	7 %
16.0075	ex 2009 30 31	Citrus fruit juices (excluding lemon juices) containing added sugar	13 %
16.0077	ex 2009 30 39	Citrus fruit juices (excluding lemon juices) not containing added sugar	13 %
16.0079	ex 2009 80 80	Fruit falling within heading Nos 0801, 0803, 0804 (excluding figs), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 90	8 %
16.0081	ex 2009 80 80	Other fruit and vegetable juices, containing added sugar, excluding apricot and peach juices	17 %
16.0083	2009 80 95 ex 2009 80 99	Other fruit and vegetable juices, not containing added sugar Of fruit falling within heading Nos 0801, 0803, 0804 (excluding figs) 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 90	8 %
16.0085	ex 2009 80 99	Other, excluding apricot and peach juices	18 %
16.0087	ex 2009 90 51	Mixtures of juices of a value exceeding ECU 30 per 100 kg net weight, excluding mixtures containing, either separately or together, over 25 % of grape citrus fruit, pineapple, apple, pear apple, pear, tomato, apricot or peach juice containing added sugar	17 %
16.0089	ex 2009 90 59	Other	18 %
16.0091	2009 20 91	- Grapefruit juice	7 %
16.0095	2009 30 91	- Juice of any other single citrus fruit: - With an added sugar content exceeding 30 % by weight	14 %

Order No	CN code	Description	Rate of duty
16.0097	2009 30 95	- With an added sugar content not exceeding 30 % by weight	14 %
16.0099	2009 30 99	- Not containing added sugar	15 %
16.0101	ex 2009 80 91	Other fruit and vegetable juices with an added sugar content exceeding 30 % by weight: - Fruit falling within heading Nos 0801, 0803, 0804 (excluding figs), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 90	8 % + AGR
16.0103	ex 2009 80 91	Other, excluding apricot and peach juices	17 % + AGR
16.0105	ex 2009 80 93	Other fruit and vegetable juices with an added sugar content of 30 % or less, by weight: - Fruit falling within heading Nos 0801, 0803, 0804 (excluding figs), 0807 20 00, 0810 20 90, 0810 30 90, 0810 40 10, 0810 40 50, 0810 40 90, 0810 90 10, 0810 90 90	8 %
16.0107	ex 2009 80 93	Other, excluding apricot and peach juices	17 %
16.0113	ex 2009 90 91	Mixtures of juices: - Of a value not exceeding ECU 30 per 100 kg net weight, excluding mixtures containing, either separately or together, over 25 % of grape, citrus fruit, pineapple, apple, pear, tomato, apricot or peach juice with an added content exceeding 30 % by weight	17 % + AGR
16.0115	ex 2009 90 93	With an added sugar content not exceeding 30 % by weight	17 %
16.0117	ex 2009 90 99	Not containing added sugar	18 %
16.0119	2102 10 31	Yeasts (active or inactive), other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders	
	2102 10 39	Bakers' yeast	4 % + MOB
16.0123	2301 20 00	- Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates	free

(a) Notwithstanding the rules for interpretation of the combined nomenclature, the wording for the designation 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 application of the CN code.

Abbreviations:

AGR: Levy

MOB: Variable component

COUNCIL REGULATION (EEC) No 4228/88

of 19 December 1988

establishing ceilings and Community surveillance for imports of certain products originating in Malta (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the provisions of the Additional Protocol to the Agreement establishing an association between the European Economic Community and Malta ⁽¹⁾, have lapsed; whereas a complementary Protocol which prolongs until 31 December 1990 the duration of the first stage of the Agreement has been signed; whereas, pending the entry into force of the complementary Protocol, the arrangements which the Community applies to trade with Malta within the context of the association with that country should be extended for 1989;

Whereas the Council has adopted Regulation (EEC) No 2357/86 of 24 July 1986 amending Regulation (EEC) No 3555/80, (EEC) No 3394/85 and (EEC) No 3668/85 as regards imports into Greece of certain products originating in Malta ⁽²⁾; whereas, since a Protocol as provided for in Articles 179 and 366 of the Act of Accession of Spain and Portugal does not exist, the Community must take the measures referred to in Articles 180 and 367 of that Act; whereas this Regulation applies to the Community as constituted on 31 December 1985;

Whereas the abovementioned Additional Protocol provides for the total abolition of customs duties in respect of the products to which the Agreement applies; whereas, however, exemption from duties in respect of a number of products is subject to ceilings above which the customs duties applicable to third countries may be reimposed; whereas the ceilings to be applied in 1989 should therefore be determined; whereas those ceilings can be applied only if the Community is regularly informed of imports of the said products originating in Malta; whereas imports of those products should therefore be subject to a system of surveillance;

Whereas this objective may be achieved by means of an administrative procedure based on charging imports of the products in question against the ceilings at Community level and when the products are entered with customs authorities for free circulation; whereas this administrative procedure must provide for the possibility of the applicable

customs duties being reimposed as soon as the ceilings are reached at Community level;

Whereas this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission and the latter must in particular be able to follow the progress of quantities charged against the ceilings and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to take appropriate measures to reimpose customs tariffs if one of the ceilings is reached,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989, imports into the Community as constituted on 31 December 1985 of the products listed in the Annex and originating in Malta shall be subject to annual ceilings and Community surveillance.

The description of the products referred to in the first subparagraph, the corresponding CN codes and the ceilings are set out in the Annex.

2. Quantities shall be charged against the ceilings as and when the products are entered which customs authorities for free circulation accompanied by a movement certificate in accordance with the rules contained in the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation annexed to the Protocol laying down certain provisions relating to the Agreement establishing an association between the European Economic Community and Malta ⁽³⁾.

Goods may be charged against the ceiling only if the movement certificate is submitted before the date on which customs duties are reimposed.

The extent to which a ceiling is used up shall be determined at Community level on the basis of the imports charged against it in the manner defined in the preceding subparagraphs.

Member States shall inform the Commission of imports charged in accordance with the above procedure at the intervals and within the time limits specified in paragraph 4.

⁽¹⁾ OJ No L 304, 29. 11. 1977, p. 2.

⁽²⁾ OJ No L 205, 29. 7. 1986, p. 9.

⁽³⁾ OJ No L 111, 28. 4. 1976, p. 3.

3. As soon as the ceilings have been reached, the Commission may adopt a Regulation reimposing until the end of the calendar year the customs duties applicable to third countries.

4. Member States shall send the Commission not later than the 15th day of each month statements of the quantities charged during the preceding month. If the Commission so requests, they shall provide such statements for periods of 10 days and forward them within five clear days of the end of each 10-day period.

Article 2

The Commission, in close cooperation with the Member States, shall take all appropriate measures for the purposes of applying this Regulation.

Article 3

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council
The President
Th. PANGALOS

ANNEX

List of products subject to import ceilings in 1989

Order No	CN code	Description	Level of ceiling (tonnes)
11.0010	5204	Cotton sewing thread, whether or not put up for retail sale:	} application of ceiling suspended
		– Not put up for retail sale:	
	5204 11 00	– – Containing 85 % or more by weight of cotton	
	5204 19 00	– – Other	
	5205	Cotton yarn (other than sewing thread), containing 85 % or more by weight of cotton, not put up for retail sale	
	5206	Cotton yarn (other than sewing thread), containing less than 85 % by weight of cotton, not put up for retail sale	
ex 5604 90 00	5604	Rubber thread and cord, textile covered; textile yarn, and strip and the like of heading No 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics:	} application of ceiling suspended
		– Other:	
		– – Of cotton	
11.0020	5208	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing not more than 200 g/m ²	} application of ceiling suspended
	5209	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing more than 200 g/m ²	
	5210	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing not more than 200 g/m ²	
	5211	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing more than 200 g/m ²	
	5212	Other woven fabrics of cotton	
	5801	Woven pile fabrics and chenille fabrics, other than fabrics of heading No 5802 or 5806:	
		– Of cotton:	
	5801 21 00	– – Uncut weft pile fabrics	
ex 5811 00 00	Quilted textile products of cotton in the piece, composed of one or more layers of textile materials assembled with padding by stitching or otherwise, other than embroidery of heading No 5810	} application of ceiling suspended	
ex 6308 00 00	Sets consisting of woven fabric and yarn, of cotton, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes, or similar textile articles, put up in packings for retail sale		
11.0030	5506	Synthetic staple fibres, carded, combed or otherwise processed for spinning	} application of ceiling suspended
	5507 00 00	Artificial staple fibres, carded, combed or otherwise processed for spinning	

Order No	CN code	Description	Level of ceiling (tonnes)
11.0040	5608	Knotted netting of twine, cordage or rope; made-up fishing nets and other made-up nets, of textile materials:	application of ceiling suspended
	5608 19	- Of man-made textile materials:	
		- - Other:	
		- - - Made-up nets:	
		- - - - Of nylon or other polyamides:	
	5608 19 19	- - - - - Other	
		- - - - - Other:	
	5608 19 39	- - - - - Other	
	5608 90 00	- Other	
	6101	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, knitted or crocheted, other than those of heading No 6103	
	6102	Women's or girls' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, knitted or crocheted, other than those of heading No 6104	
	6103	Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted	
	6104	Women's or girls' suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted	
	6106	Women's or girls' blouses, shirts and shirt-blouses, knitted or crocheted	
	6107	Men's or boys' underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted:	
		- Other:	
	6107 91 00	- - Of cotton	
	6107 92 00	- - Of man-made fibres	
	6107 99 00	- - Of other textile materials	
	6108	Women's or girls' slips, petticoats, briefs, panties, nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles, knitted or crocheted:	
		- Other:	
	6108 91 00	- - Of cotton	
	6108 92 00	- - Of man-made fibres	
	6108 99	- - Of other textile materials:	
	6108 99 10	- - - Of wool or fine animal hair	
	6108 99 90	- - - Of other textile materials	
	6110	Jerseys, pullovers, cardigans, waistcoats and similar articles, knitted or crocheted:	
	6110 10	- Of wool or fine animal hair:	
		- - Other:	
		- - - Men's or boys':	
	6110 10 31	- - - - Of wool	
	6110 10 39	- - - - Of fine animal hair	
		- - - - Women's or girls':	
	6110 10 91	- - - - Of wool	
	6110 10 99	- - - - Of fine animal hair	

Order No	CN code	Description	Level of ceiling (tonnes)
11.0040 (cont'd)	6110 20	-- Of cotton: -- -- Other:	
	6110 20 91	-- -- Men's or boys'	
	6110 20 99	-- -- Women's or girls'	
	6110 30	-- Of man-made fibres: -- -- Other:	
	6110 30 91	-- -- Men's or boys'	
	6110 30 99	-- -- Women's or girls'	
	6110 90	-- Of other textile materials:	
	6110 90 10	-- -- Of flax or ramie	
	6110 90 90	-- -- Other	
	6111	Babies' garments and clothing accessories, knitted or crocheted:	
	6111 10	-- Of wool or fine animal hair:	
	6111 10 90	-- -- Other	
	6111 20	-- Of cotton:	
	6111 20 90	-- -- Other	
	6111 30	-- Of synthetic fibres:	
	6111 30 90	-- -- Other	
	6111 90 00	-- Of other textile materials	
	6112	Track suits, ski suits and swimwear, knitted or crocheted:	
	6112 11 00	-- Track suits: -- -- Of cotton	
	6112 12 00	-- -- Of synthetic fibres	
	6112 19 00	-- -- Of other textile materials	
	6112 20 00	-- Ski suits -- Men's or boys' swimwear:	
	6112 31	-- -- Of synthetic fibres:	
	6112 31 90	-- -- -- Other	
	6112 39	-- -- Of other textile materials:	
	6112 39 90	-- -- -- Other -- Women's or girls' swimwear:	
	6112 41	-- -- Of synthetic fibres:	
	6112 41 90	-- -- -- Other	
	6112 49	-- -- Of other textile materials:	
	6112 49 90	-- -- -- Other	
	6113 00	Garments, made up of knitted or crocheted fabrics of heading No 5903, 5906 or 5907:	
	6113 00 90	-- Other	
	6114	Other garments, knitted or crocheted	
	6117	Other made up clothing accessories, knitted or crocheted; knitted or crocheted parts of garments or of clothing accessories	
	6301	Blankets and travelling rugs:	
	6301 20	-- Blankets (other than electric blankets) and travelling rugs, of wool or of fine animal hair:	
	6301 20 10	-- -- Knitted or crocheted	

application
of ceiling
suspended

Order No	CN code	Description	Level of ceiling (tonnes)
11.0040 <i>(cont'd)</i>	6301 30	- Blankets (other than electric blankets) and travelling rugs, of cotton:	} application of ceiling suspended
	6301 30 10	- - Knitted or crocheted	
	6301 40	- Blankets (other than electric blankets) and travelling rugs, of synthetic fibres:	
	6301 40 10	- - Knitted or crocheted	
	6301 90	- Other blankets and travelling rugs:	
	6301 90 10	- - Knitted or crocheted	
	6302	Bed linen, table linen, toilet linen and kitchen linen:	
	6302 10	- Bed linen, knitted or crocheted:	
	6302 10 10	- - Of cotton	
	6302 10 90	- - TOf other textile materials	
	6302 40 00	- Table linen, knitted or crocheted	
	6303	Curtains (including drapes) and interior blinds; curtain or bed valances:	
		- Knitted or crocheted:	
	6303 11 00	- - Of cotton	
	6303 12 00	- - Of synthetic fibres	
	6303 19 00	- - Of other textile materials	
	6304	Other furnishing articles, excluding those of heading No 9404:	
		- Bedspreads:	
	6304 11 00	- - Knitted or crocheted	
		- Other:	
	6304 91 00	- - Knitted or crocheted	
	6305	Sacks and bags, of a kind used for the packing of goods:	
	6305 20 00	- Of cotton	
		- Of man-made textile materials:	
	6305 31	- - Of polyethylene or polypropylene strip or the like	
	ex 6305 39 00	- - Other:	
		- - - Knitted or crocheted	
	ex 6305 90 00	- Of other textile materials:	
		- - Knitted or crocheted	
	6307	Other made up articles, including dress patterns:	
6307 10	- Floor-cloths, dish-cloths, dusters and similar cleaning cloths:		
6307 10 10	- - Knitted or crocheted		
6307 90	- Other:		
6307 90 10	- - Knitted or crocheted		
11.0050	6201	Men's or boys' overcoats, car-coats, capes, cloaks, anoraks (including ski-jackets), wind-cheaters, wind-jackets and similar articles, other than those of heading No 6203	
	6203	Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear)	

Order No	CN code	Description	Level of ceiling (tonnes)
11.0050 (cont'd)	6207	Men's or boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles:	1 461
		- Other:	
	6207 91 00	- - Of cotton	
	6207 92 00	- - Of man-made fibres	
	6207 99 00	- - Of other textile materials	
	6210	Garments, made up of fabrics of heading Nos 5602, 5603, 5903, 5906 or 5907:	
	6210 10	- Of fabrics of heading No 5602 or 5603:	
		- - Of fabrics of heading No 5603:	
	6210 10 91	- - - In sterile packs	
	6210 10 99	- - - Other	
	6210 20 00	- Other garments, of the type described in subheadings 6201 11 to 6201 19	
	6210 40 00	- Other men's or boys' garments	
	6211	Track suits, ski suits and swimwear; other garments:	
		- Swimwear:	
	6211 11 00	- - Men's or boys'	
	6211 20 00	- Ski suits	
		- Other garments, men's or boys':	
	6211 31 00	- - Of wool or fine animal hair	
	6211 32	- - Of cotton:	
	6211 32 10	- - - Industrial and occupational clothing	
	6211 32 90	- - - Other	
	6211 33	- - Of man-made fibres:	
	6211 33 10	- - - Industrial and occupational clothing	
	6211 33 90	- - - Other	
	6211 39 00	- - Of other textile materials	
	6217	Other made up clothing accessories; parts of garments or of clothing accessories, other than those of heading No 6212:	
	6217 90 00	- Parts	

EEC-TURKEY Association

The Compilation of Texts pertaining to the "Association between the European Economic Community and Turkey" contains all the acts adopted by the various Institutions of the Association pursuant to the Agreement signed at Ankara on 12 September 1963 as well as the acts adopted by the EEC concerning Turkey.

GENERAL MATTERS

Association Agreement and related texts

COUNCIL

COUNCIL DECISION

of 22 February 1988

concerning the conclusion of a supplementary protocol to the Agreement establishing an Association between the European Economic Community and Turkey

(88/89/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and in particular Article 238 thereof,

Having regard to the recommendation from the Commission,

Having regard to the assent of the European Parliament⁽¹⁾

Whereas the Supplementary Protocol to the Agreement establishing an Association between the European Economic Community and Turkey⁽²⁾ signed in Ankara on 12 September 1963, should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Supplementary Protocol to the Agreement establishing an Association between the European Economic Community and Turkey is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council shall give the notification provided for in Article 4 of the Protocol⁽³⁾.

Article 3

This Decision shall take effect on the day following its publication in the *Official Journal of the European Communities*.

Done at Brussels, 22 February 1988.

For the Council

The President

H.-D. GENSCHER

⁽¹⁾ Assent delivered on 20 January 1988 (not yet published in the Official Journal).

⁽²⁾ OJ No 217, 29. 12. 1964, p. 3687/64.

⁽³⁾ The date of entry into force of the Protocol will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

SUPPLEMENTARY PROTOCOL

to the Agreement establishing an Association between the European Economic Community and Turkey

THE EUROPEAN ECONOMIC COMMUNITY,

of the one part, and

THE REPUBLIC OF TURKEY,

of the other part,

HAVING REGARD to the Agreement establishing an Association between the European Economic Community and the Republic of Turkey, signed at Ankara on 12 September 1963, and the Additional Protocol thereto, signed at Brussels on 23 November 1970, hereinafter referred to as the 'Agreement', and Decision No 1/80 of the Association Council of 19 September 1980,

CONSIDERING THAT the Community and Turkey wish to strengthen still further their relations in order to take account of the new dimension created by the accession to the European Communities of Spain and Portugal on 1 January 1986 and that Article 36 of the Additional Protocol provides for the possibility of taking the mutual interests of the Community and Turkey as defined by the Agreement into consideration on this occasion;

CONSIDERING THAT certain rules should be foreseen to enable Turkey's traditional export trade to the Community to be maintained,

HAVE DECIDED to conclude a Protocol adapting certain provisions of the Agreement, and to this end have designated as their Plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Jakob Esper LARSEN,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Denmark,
Chairman of the Permanent Representatives Committee;

Jean DURIEUX,
Special Adviser in the Directorate-General for External Relations of the Commission of the European Communities;

THE GOVERNMENT OF THE REPUBLIC OF TURKEY:

Pulat TACAR,
Ambassador Extraordinary and Plenipotentiary,
Permanent Delegate to the European Economic Community, head of the mission of the Republic of Turkey;

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

Article 1

1. For 1990 and for each successive marketing year, the Community shall decide, on the basis of the statistical review and analysis referred to in paragraph 2, and taking into account factors relevant to the objective of maintaining traditional trade flows in the context of enlargement, whether to adjust the entry price, referred to in Regulation (EEC) No 1035/72, for fresh lemons falling within subheading ex 08.02 C of the Common Customs

Tariff and originating in Turkey within a quantitative limit of 12 000 tonnes a year.

2. From 1987 onwards and at the end of each marketing year, the Community shall carry out, on the basis of a statistical review, an analysis of the situation for lemons originating in Turkey and exported to the Community.

For this same product, from 1989 onwards and for each subsequent year, the Community shall draw up, together with Turkey, a forecast of production and deliveries.

3. The possible adjustment provided for in paragraph 1 refers to the sum to be deducted, in respect of customs duty, from the representative prices recorded in the Community for the purpose of calculating the entry price of this product, within the limits set out in Article 152 (2) (c) of the Act of Accession of Spain and Portugal.

Article 2

Imports into the Community of fresh table grapes falling within subheading 08.04 A 1 b) of the Common Customs Tariff and originating in Turkey during the period from 18 to 31 July shall be admitted under the same conditions in respect of the abolition of customs duties as provided for the same product during the period from 15 to 17 July by Article 3 of Decision No 1/80 of the Association Council and paragraph 1 of the Exchange of Letters concluded between the EEC and the Republic of Turkey on 6 February 1981 concerning Article 3 (3) of that Decision.

Article 3

This Protocol shall form an integral part of the Agreement establishing an Association between the European Economic Community and Turkey.

Article 4

1. This protocol shall be ratified, accepted or approved by the Contracting Parties in accordance with their own procedures; the Contracting Parties shall notify each other of the completion of the procedures necessary to that end.
2. This Protocol shall enter into force on the first day of the month following that in which the notification provided for in paragraph 1 was given.

Article 5

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Turkish languages, each of these texts being equally authentic.

En fe de lo cual, los plenipotenciarios abajo firmantes suscriben el presente Protocolo.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne Protokol.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Protokoll gesetzt.

Εἰς πίστωσιν τῶν ἀνωτέρω, οἱ υπογεγραμμένοι πληρεξούσιοι ἔθεσαν τῆς υπογραφῆς τοὺς στο παρὸν πρωτόκολλο.

In witness whereof the undersigned Plenipotentiaries have signed this Protocol.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent protocole.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente protocollo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit Protocol hebben gesteld.

Em fé do que, os plenipotenciários abaixo assinados apuseram as suas assinaturas no final do presente Protocolo.

Bunun belgesi olarak, aşağıda adları yazılı tam yetkili temsilciler bu protokolün altına imzalarını atmışlardır.

Hecho en Bruselas, el ventitrés de julio de mil novecientos ochenta y siete.

Udfærdiget i Bruxelles, den treogtyvende juli nitten hundrede og syvogfirs.

Geschehen zu Brüssel am dreiundzwanzigsten Juli neunzehnhundertsiebenundachtzig.

Έγινε στις Βρυξέλλες, στις είκοσι τρεις Ιουλίου χίλια εννιακόσια ογδόντα επτά.

Done at Brussels on the twenty-third day of July in the year one thousand nine hundred and eighty-seven.

Fait à Bruxelles, le vingt-trois juillet mil neuf cent quatre-vingt-sept.

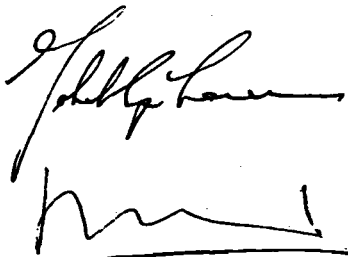
Fatto a Bruxelles, addi ventitré luglio millenovecentottasette.

Gedaan te Brussel, de drieëntwintigste juli negentienhonderd zevenentachtig.

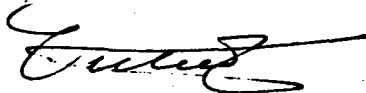
Feito em Bruxelas, em vinte e três de Julho de mil novecentos e oitente e sete.

Brüksel'de, 23 Temmuz bin dokuz yüz seksen yedi gününde yapılmıştır.

Por el Consejo de las Comunidades Europeas
For Rådet for De Europæiske Fællesskaber
Für den Rat der Europäischen Gemeinschaften
Για το Συμβούλιο των Ευρωπαϊκών Κοινοτήτων
For the Council of the European Communities
Pour le Conseil des Communautés européennes
Per il Consiglio delle Comunità europee
Voor de Raad van de Europese Gemeenschappen
Pelo Conselho das Comunidades Europeias
Avrupa Toplulukları Konseyi adına



Por el Gobierno de la República de Turquía
Por regeringen for Republikken Tyrkiet
Für die Regierung der Republik Türkei
Για την κυβέρνηση της Δημοκρατίας της Τουρκίας
For the Government of the Republic of Turkey
Pour le gouvernement de la République turque
Per il governo della Repubblica di Turchia
Voor de Regering van de Republiek Turkije
Pelo Governo da República da Turquia
Türkiye Cumhuriyeti Hükümeti adına



Joint Declaration by the Contracting Parties on Article 1 of the Supplementary Protocol

The Contracting Parties agree that, should the entry into force of the Supplementary Protocol not coincide with the start of the calendar year or, as the case may be, the seasonal year, the quantitative limits referred to in Article 1 shall be applied on a *pro rata* basis.

The Contracting Parties further agree that the charging against quantitative limits of Community imports of products originating in Turkey and subject to such limits under the Supplementary Protocol shall begin on 1 January of each year.

Declaration by the representative of the Federal Republic of Germany on the definition of German nationality

Every German person, within the meaning of the basic constitutional law applying in the Federal Republic of Germany, is considered as a national of the Federal Republic of Germany.

Declaration by the representative of the Federal Republic of Germany on the application of the Supplementary Protocol to Berlin

The Supplementary Protocol shall also apply to Land Berlin provided that no statement to the contrary by the Government of the Federal Republic of Germany is addressed to the other Contracting Parties within three months of the entry into force of the Protocol.

Information on the date of entry into force of the Supplementary Protocol to the Agreement establishing an Association between the European Economic Community and Turkey signed at Brussels on 23 July 1987 (¶)

As the exchange of instruments notifying the completion of the procedures required for the entry into force of the abovementioned Protocol took place on 30 March 1988, this Protocol will enter into force, in accordance with Article 25 thereof, on 1 April 1988.

PROVISIONS WITHIN THE EEC



COMMISSION REGULATION (EEC) No 204/88
of 25 January 1988

introducing a countervailing charge and suspending the preferential customs
duty on imports of fresh clementines originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 3910/87⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 3478/87 of 19 November 1987 fixing the reference price for clementines for the 1987/88 marketing year⁽³⁾ fixed the reference price for products of class I for the period from 1 December 1987 to 29 February 1988 at 59,57 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative price or the arithmetic mean of the lowest prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for clementines originating in Turkey, the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these clementines;

Whereas, in Article 1 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁶⁾, as amended by Regulation (EEC) No 1555/84⁽⁷⁾, a rate of customs duty of 8 % should be re-introduced for these clementines;

Whereas if the system is to operate normally the entry price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

1. A countervailing charge of 21,68 ECU per 100 kilograms net is applied on imports of fresh clementines falling within subheading 08.02 BI of the Common Customs Tariff and subheading 0805 20 10 of the combined nomenclature originating in Turkey.

2. The import duty on these products is fixed at 8 %.

Article 2

This Regulation shall enter into force on 27 January 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 370, 30. 12. 1987, p. 33.

⁽³⁾ OJ No L 329, 20. 11. 1987, p. 35.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 3.

⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1

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

Done at Brussels, 25 January 1988.

For the Commission
FRANS ANDRIESEN
Vice-President

COMMISSION REGULATION (EEC) No 324/88
of 3 February 1988

abolishing the countervailing charge and re-establishing a preferential customs duty on imports of fresh clementines originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 223/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 204/88⁽³⁾ introduced a countervailing charge on fresh clementines originating in Turkey and suspended the preferential customs duty on imports of these products;

Whereas for this product originating in Turkey there were no prices for six consecutive days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing

charge on imports of fresh clementines originating in Turkey can be abolished;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁴⁾, as amended by Regulation (EEC) No 1555/84⁽⁵⁾, the preferential rate of customs duty should be re-established at the same time as the countervailing charge is abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 204/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 4 February 1988.

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

Done at Brussels, 3 February 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 23, 28. 1. 1988, p. 1.

⁽³⁾ OJ No L 20, 26. 1. 1988, p. 22.

⁽⁴⁾ OJ No L 367, 23. 12. 1981, p. 9.

⁽⁵⁾ OJ No L 150, 6. 6. 1984, p. 4.

COMMISSION REGULATION (EEC) No 1003/88

of 15 April 1988

introducing a countervailing charge and suspending the preferential customs duty on imports of tomatoes originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 824/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 723/88 of 18 March 1988 fixing the reference price for tomatoes for the 1988 marketing year⁽³⁾ fixed the reference price for products of class I for the month of April 1988 at 197,27 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative price or the arithmetic mean of the lowest prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets; whereas it is

necessary to multiply the prices with the coefficient fixed in the second and third indents of Article 1 (2) (a) of Regulation (EEC) No 723/88;

Whereas, for Turkish tomatoes, the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these tomatoes;

Whereas, in Article 1 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁶⁾, as amended by Regulation (EEC) No 1555/84⁽⁷⁾, when the Commission introduces a countervailing charge on imports of tomatoes originating in Turkey, at the same time it reintroduces for the product in question the conventional rate of customs duty; whereas, therefore, a rate of customs duty of 11 % should be reintroduced for these tomatoes, with a minimum charge of 2 ECU per 100 kilograms net;

Whereas if the system is to operate normally the entry price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as amended by Regulation (EEC) No 1636/87⁽⁹⁾
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

1. A countervailing charge of 34,34 ECU per 100 kilograms net is applied on imports of tomatoes falling within CN code 0702 00 originating in Turkey.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 85, 30. 3. 1988, p. 5.

⁽³⁾ OJ No L 74, 19. 3. 1988, p. 51.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 3.

⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

2. The rate of customs duty on imports of these products shall be 11 % with a minimum charge of 2 ECU per 100 kilograms net.

Article 2

This Regulation shall enter into force on 19 April 1988.

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

Done at Brussels, 15 April 1988.

For the Commission

FRANS ANDRIESEN

Vice-President

COMMISSION DECISION

of 7 April 1988

authorizing certain Member States to provide for exceptions from certain provisions of Directive 77/93/EEC in respect of potatoes for human consumption originating in Turkey

(Only the Dutch, French and German texts are authentic)

(88/224/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products⁽¹⁾, as last amended by Directive 87/298/EEC⁽²⁾, and in particular Article 14 (3) thereof,

Having regard to the requests made by Belgium, the Federal Republic of Germany, Luxembourg and the Netherlands,

Whereas under the provisions of Directive 77/93/EEC, potato tubers originating in Turkey may in principle not be introduced into the Community because of the risk of introducing exotic potato diseases unknown in the Community;

Whereas, however, Article 14 (3) of the said Directive permits exceptions from that rule, provided that it is established that there is no risk of spreading harmful organisms;

Whereas the early growing in Turkey of potatoes for human consumption from seed potatoes supplied by Member States has become an established practice;

Whereas information supplied by Turkey and collected in that country has shown that there are good reasons to believe that, in Turkey, potatoes can be grown under adequate health conditions and that, at present, there are no sources for the introduction of exotic potato diseases, in particular in certain parts of the province of Adana, where potato growing started only in 1987; whereas Turkey has moreover implemented adequate health and quality standards in the potato production of that province, and whereas, taking into account that the potatoes have derived from seed potatoes supplied by the Community, exotic potato diseases unknown in the Community are not likely to occur;

Whereas it can therefore be established, on the basis of the information available at present, that there is no risk of harmful organisms spreading, provided that certain

special technical conditions are complied with; whereas the potatoes are introduced at a time when they cannot influence the health status of potatoes produced in the Community;

Whereas the requesting Member States should therefore be authorized to provide for derogations in respect of potatoes for human consumption originating in Turkey, under the aforementioned special technical conditions, for the forthcoming early potato season; whereas this system will be reconsidered, depending on the results of monitoring to be carried out on potatoes introduced into the Community pursuant to this Decision;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

1. Belgium, the Federal Republic of Germany, Luxembourg and the Netherlands are hereby authorized to provide, under the conditions laid down in paragraph 2 hereof, for exceptions from Article 4 (1) of Directive 77/93/EEC, with regard to the prohibitions referred to in Part A(9a) of Annex III thereto for potatoes for human consumption originating in Turkey, with a view to marketing them in their respective territories or between them.

2. The following specific conditions shall be satisfied:

- (a) the potatoes shall be potatoes for human consumption;
- (b) they shall either be immature potatoes, i.e. 'unsprouted' potatoes with loose skin, or they shall have been treated for the suppression of their faculty of germination;
- (c) they shall have been grown in the province of Adana, south of the line Kransali — Duzici;
- (d) they shall belong to varieties the seed potatoes of which were imported into Turkey only from Member States;
- (e) they shall be the direct progeny of seed potatoes officially certified in 1987 as 'basic seed' or 'certified seed' in Member States;

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 151, 11. 6. 1987, p. 1.

- (f) they shall have been handled by machinery which is reserved for them or which has been disinfected in an appropriate manner after each use for other purposes ;
- (g) they shall not have been in store-houses where potatoes of varieties other than those specified in (d) have been stored ;
- (h) they shall be free from soil, subject to a tolerance of 0,5 % by weight, and free from leaves and other plant debris ;
- (i) they shall have been sampled, by the Turkish plant protection organization, in accordance with international standards, and found, in official examination carried out by that plant protection organization, to meet the tolerances for tubers with defects as specified in Annex I, up to a maximum total of 4,5 % by number of tubers for all defects and to a maximum total of 2 % by number of tubers for all defects other than potato greening, size-off types and mixing of varieties, provided that the potatoes are free from live larvae, pupae or adults of boring insects ; they shall have met these tolerances also in any other examination carried out by other bodies for other purposes ;
- (k) they shall be packed :
 - either in new bags,
 - or in containers which have been disinfected in an appropriate manner ;an official label, bearing the information specified in Annex II, shall be applied to each bag or container ;
- (l) the official health certificate required pursuant to Article 12 (1) (b) of Directive 77/93/EEC shall indicate :
 - under the section 'Disinfection and/or disinfection treatment' all information related to the possible treatments referred to in (b), second option, and/or (k), second indent,
 - under the section 'Additional declaration' :
 - name of the variety,
 - *identification number or name of the farm* where the potatoes have been grown and its location,
 - reference allowing the identification of the seed lot used in accordance with (e),

- results of the examination for presence of potatoes with defects in accordance with (i) ;
- (m) on arrival, the potatoes shall be inspected by the importing Member State for satisfaction of the requirement specified in (i) ; an additional tolerance of 0,5 % by number of tubers for wet rot may be accepted ; a copy of each official plant health certificate shall be sent to the Commission ;
- (n) on arrival, a sample of 400 tubers shall be drawn by the importing Member State for each 50 tonnes of imported potatoes, for appropriate testing for the presence of harmful organisms. The harmful organisms concerned and the details of testing shall be determined in agreement with the plant protection organizations of the Member States.

Article 2

1. The authorization granted in Article 1 shall expire on 1 July 1988, subject to certain tolerance which may be granted by the plant protection organization of the Member State concerned, for reasons of unforeseeable delays in arrival.
2. The authorization shall be revoked if it is established that the conditions laid down therein are not sufficient to prevent the introduction of harmful organisms or have not been complied with.

Article 3

The Member States concerned shall notify the Commission and the other Member States of the national provisions by which they make use of the authorizations granted in Article 1.

Article 4

This Decision is addressed to the Kingdom of Belgium, the Federal Republic of Germany, the Grand Duchy of Luxembourg, and the Kingdom of the Netherlands.

Done at Brussels, 7 April 1988.

For the Commission
Frans ANDRIESEN
Vice-President

ANNEX I

Tolerances for tubers with defects

(referred to in Article 1 (2) (k))

Type of defects	Percentage by number of tubers
<i>Major defects</i>	
Severe mechanical damage	1,0
Damage caused by diseases (scab)	0,5
Potato greening	2,0
Wet rot	0,0
Dry rot	0,5
<i>Minor defects:</i>	
Presence of soil	0,5
Slight mechanical damage	1,0
Damage caused by insects	1,0
Size off-types by transverse diameter	1,0
Mixing of varieties	0,0

ANNEX II

Information required on the label

(referred to in Article 1 (2) (l))

1. Name of the authority issuing the label.
2. Name of the exporters' organization.
3. Indication 'Turkish potatoes for human consumption'.
4. Variety.
5. Province of production.
6. Size.
7. Declared net weight.
8. Indication 'In accordance with EEC requirements 1988.'
9. A mark printed or stamped on behalf of the Turkish plant protection organization.

COUNCIL REGULATION (EEC) No 1059/88
of 28 March 1988

laying down the arrangements applicable to Greece's trade with Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Protocol annexed to the Agreement establishing an Association between the European Economic Community and Turkey, hereinafter referred to respectively as the 'Protocol' and 'the Agreement', designed to take account of the accession of the Hellenic Republic, was signed on 20 April 1988;

Whereas, pending the entry into force of the Protocol, the Community should, in the light thereof, lay down autonomously the arrangements applicable to Greece's trade with Turkey;

Whereas arrangements for imports into Greece originating in Turkey as from 1 January 1981 were laid down in Regulation (EEC) No 3555/80 (*) pending the conclusion of the Protocol; whereas, in view of the signing of the Protocol and the fact that all the other

countries referred to by the said Regulation are no longer concerned by the arrangements it introduced, the latter should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Pending the entry into force of the Protocol, the Hellenic Republic shall apply to trade with Turkey all the provisions resulting from the Agreement.

Article 2

Regulation (EEC) No 3555/80 is hereby repealed.

Article 3

This Regulation shall enter into force on 1 January 1989.

It shall expire on the date of entry into force of the Protocol.

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

Done at Brussels, 28 March 1988.

For the Commission

The President

I. KIECHLE

(*) OJ No L 382, 31. 12. 1980, p. 1.

COMMISSION REGULATION (EEC) No 1073/88
of 22 April 1988

abolishing the countervailing charge and re-establishing a preferential customs duty on imports of tomatoes originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain und Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables (¹), as last amended by Regulation (EEC) No 824/88 (²), and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1003/88 (³) introduced a countervailing charge on tomatoes originating in Turkey and suspended the preferential customs duty on imports of these products;

Whereas the present trend of prices for Turkish products on the representative markets referred to in Regulation (EEC) No 2118/74 (⁴), as last amended by Regulation (EEC) No 3811/85 (⁵), recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the reference price for two consecutive market days; whereas

the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of tomatoes originating in Turkey can be abolished;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey (⁶), as amended by Regulation (EEC) No 1555/84 (⁷), the preferential rate of customs duty should be re-established at the same time as the countervailing charge is abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1003/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 23 April 1988.

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

Done at Brussels, 22 April 1988.

For the Commission
Frans ANDRIESEN
Vice-President

(¹) OJ No L 118, 20. 5. 1972, p. 1.

(²) OJ No L 85, 30. 3. 1988, p. 5.

(³) OJ No L 99, 16. 4. 1988, p. 33.

(⁴) OJ No L 220, 10. 8. 1974, p. 20.

(⁵) OJ No L 368, 31. 12. 1985, p. 1.

(⁶) OJ No L 367, 23. 12. 1981, p. 9.

(⁷) OJ No L 150, 6. 6. 1984, p. 4.

COMMISSION REGULATION (EEC) No 1341/88
of 17 May 1988

introducing a countervailing charge and suspending the preferential customs
duty on imports of tomatoes originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Spain and
Portugal,

Having regard to Council Regulation (EEC) No 1035/72
of 18 May 1972 on the common organization of the
market in fruit and vegetables⁽¹⁾, as last amended by
Regulation (EEC) No 1117/88⁽²⁾, and in particular the
second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72
provides that, if the entry price of a product imported
from a third country remains at least 0,6 ECU below the
reference price for two consecutive market days, a counter-
vailing charge must be introduced in respect of the
exporting country concerned, save in exceptional circum-
stances; whereas this charge is equal to the difference
between the reference price and the arithmetic mean of
the last two entry prices available for that exporting
country;

Whereas Commission Regulation (EEC) No 723/88 of 18
March 1988 fixing the reference price for tomatoes for the
1988 marketing year⁽³⁾ fixed the reference price for
products of class I for the month of May 1988 at 136,75
ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is
equal to the lowest representative price or the arithmetic
mean of the lowest prices recorded for at least 30 % of
the quantities from the exporting country concerned
which are marketed on all representative markets for
which prices are available less the duties and the charges
indicated in Article 24 (3) of Regulation (EEC) No
1035/72; whereas the meaning of representative price is
defined in Article 24 (2) of Regulation (EEC) No
1035/72;

Whereas, in accordance with Article 3 (1) of Regulation
(EEC) No 2118/74⁽⁴⁾, as last amended by Regulation
(EEC) No 3811/85⁽⁵⁾, the prices to be taken into consid-
eration must be recorded on the representative markets or,
in certain circumstances, on other markets; whereas it is

necessary to multiply the prices with the coefficient fixed
in the second indent of Article 1 (2) (a) of Regulation
(EEC) No 723/88;

Whereas, for Turkish tomatoes, the entry price calculated
in this way has remained at least 0,6 ECU below the
reference price for two consecutive market days; whereas
a countervailing charge should therefore be introduced for
these tomatoes;

Whereas, in Article 1 of Council Regulation (EEC) No
3671/81 of 15 December 1981 on imports into the
Community of certain agricultural products originating in
Turkey⁽⁶⁾, as amended by Regulation (EEC) No
1555/84⁽⁷⁾, when the Commission introduces a counter-
vailing charge on imports of tomatoes originating in
Turkey, at the same time it reintroduces for the product
in question the conventional rate of customs duty;
whereas, therefore, a rate of customs duty of 18 % should
be reintroduced for these tomatoes, with a minimum
charge of 3,5 ECU per 100 kilograms net;

Whereas if the system is to operate normally the entry
price should be calculated on the following basis:

- in the case of currencies which are maintained in rela-
tion to each other at any given moment within a band
of 2,25 %, a rate of exchange based on their central
rate, multiplied by the coefficient provided for in the
last paragraph of Article 3 (1) of Council Regulation
(EEC) No 1676/85⁽⁸⁾, as last amended by Regulation
(EEC) No 1636/87⁽⁹⁾,
- for other currencies, an exchange rate based on the
arithmetic mean of the spot market rates of each of
these currencies recorded for a given period in rela-
tion to the Community currencies referred to in the
previous indent and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

1. A countervailing charge of 45,68 ECU per 100 kilo-
grams net is applied on imports of tomatoes falling
within CN code 0702 00 originating in Turkey.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽³⁾ OJ No L 74, 19. 3. 1988, p. 51.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 3.

⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

2. The rate of customs duty on imports of these products shall be 18 % with a minimum charge of 3,5 ECU per 100 kilograms net.

Article 2

This Regulation shall enter into force on 19 May 1988.

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

Done at Brussels, 17 May 1988.

For the Commission
Frans ANDRIESEN
Vice-President

COMMISSION REGULATION (EEC) No 1466/88
of 27 May 1988
abolishing the countervailing charge and re-establishing a preferential customs
duty on imports of tomatoes originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Spain and
Portugal,

Having regard to Council Regulation (EEC) No 1035/72
of 18 May 1972 on the common organization of the
market in fruit and vegetables⁽¹⁾, as last amended by
Regulation (EEC) No 1117/88⁽²⁾, and in particular the
second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 1341/88⁽³⁾
introduced a countervailing charge on tomatoes originat-
ing in Turkey and suspended the preferential customs
duty on imports of these products;

Whereas for this product originating in Turkey there were
no prices for six consecutive days; whereas the conditions
specified in Article 26 (1) of Regulation (EEC) No
1035/72 are therefore fulfilled and the countervailing

charge on imports of tomatoes originating in Turkey can
be abolished;

Whereas, in accordance with Article 2 of Council Regula-
tion (EEC) No 3671/81 of 15 December 1981 on imports
into the Community of certain agricultural products
originating in Turkey⁽⁴⁾, as amended by Regulation (EEC)
No 1555/84⁽⁵⁾, the preferential rate of customs duty
should be re-established at the same time as the counter-
vailing charge is abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1341/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 28 May 1988.

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

Done at Brussels, 27 May 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 107, 28. 4. 1988, p. 1.

⁽³⁾ OJ No L 124, 18. 5. 1988, p. 22.

⁽⁴⁾ OJ No L 367, 23. 12. 1981, p. 9.

⁽⁵⁾ OJ No L 150, 6. 6. 1984, p. 4.

COUNCIL REGULATION (EEC) No 1539/88

of 24 May 1988

opening, allocating and providing for the administration of a Community tariff quota for apricot pulp originating in Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposals from the Commission,

Whereas the Annex to Council Regulation (EEC) No 4115/86 of 22 December 1986 on import into the Community of agricultural products in Turkey⁽¹⁾ provides for the opening by the Community of an annual Community tariff quota of 90 tonnes at zero duty for apricot pulp originating in Turkey; whereas such a quota has been opened for the period up to 30 June 1988 by Regulation (EEC) No 1639/87⁽²⁾; whereas the tariff quota in question should therefore be opened for the abovementioned volume for the period 1 July 1988 to 30 June 1989;

Whereas, in accordance with Article 119 of the Act of Accession of Greece, the Council adopted Regulation (EEC) No 3555/80 of 16 December 1980 determining the arrangements to be applied with regard to imports into Greece, originating in Algeria, Israel, Malta, Morocco, Portugal, Syria, Tunisia or Turkey⁽³⁾; whereas the Council has also adopted Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal on the one hand and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey⁽⁴⁾ on the other; whereas this Regulation applies therefore to the Community with the exception of Greece;

Whereas it is necessary, in particular, to ensure to all Community importers equal and uninterrupted access to

the rate laid down for that quota to all imports of the products concerned into all Member States until the quota has been used up; whereas, however, since the quota is to cover requirements which cannot be determined with sufficient accuracy, it should not be allocated among the Member States, without prejudice to the drawing against the quota volume of such quantities as they may need, under the conditions and according to a procedure to be determined; whereas this method of management 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 quota is used up and inform the Member States thereof;

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, all transactions concerning the administration of shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 July 1988 to 30 June 1989 the customs duty applicable to the following product, originating in Turkey, shall be suspended in the Community with the exception of Greece at the level and within the limit of a Community tariff quota as shown herewith:

Order No	CN code	Description	Amount of quota (in tonnes)	Quota duty (%)
09.0203	ex 2008 50 91	Apricot pulp neither containing added spirit nor added sugar in immediate packings of a net content of 4,5 kg or more	90	0

⁽¹⁾ OJ No L 380, 31. 12. 1986, p. 16.

⁽²⁾ OJ No L 153, 13. 6. 1987, p. 8.

⁽³⁾ OJ No L 382, 31. 12. 1980, p. 1.

⁽⁴⁾ OJ No L 250, 1. 9. 1987, p. 1.

2. Within the framework of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply a customs duty calculated in accordance with the provisions of the Act of Accession and Regulation (EEC) No 2573/87.

3. If an importer notifies an imminent importation of the product in question in a Member State and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to its requirements to the extent that the available balance of the reserve so permits.

4. The shares drawn pursuant to paragraph 3 shall be valid until the end of the quota period.

Article 2

1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article 1 (3) are carried out in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.

2. Each Member State shall ensure that importers of the product concerned have access to the quota for such

time as the residual balance of the quota volume so permits.

3. Member States shall charge imports of the product concerned against their drawings as and when the product is entered for free circulation.

4. The extent to which the quota has been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 3

At the request of the Commission, Member States shall inform it of imports of the product concerned actually charged against the quota.

Article 4

Member States and the Commission shall collaborate closely in order to ensure that this Regulation is complied with.

Article 5

This Regulation shall enter into force on 1 July 1988.

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

Done at Brussels, 24 May 1988.

For the Council

The President

H.-D. GENSCHER

COMMISSION REGULATION (EEC) No 1696/88
of 14 June 1988

imposing a provisional anti-dumping duty on imports of synthetic fibres of polyesters originating in Mexico, Romania, Taiwan, Turkey, the United States of America or Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as amended by Regulation (EEC) No 1761/87⁽²⁾, and in particular Article 11 thereof,

Having informed the EEC-Turkey Association Council pursuant to Article 47 (2) of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey⁽³⁾,

After consultations within the Advisory Committee as provided for by the abovementioned Regulation,

Whereas :

A. PROCEDURE

(1) In May 1987 the International Rayon and Synthetic Fibres Committee (IRSCF) lodged a complaint with the Commission on behalf of producers of synthetic fibres of polyesters whose collective output accounts for the bulk of Community production of the product in question. Two Community producers, Hoechst AG and Du Pont de Nemours GmbH, are not complainants with respect to the US exporters, on account of their respective interests in two exporting companies involved in the proceeding, Hoechst Celanese Corporation (New Jersey) and E. I. Du Pont de Nemours Co. Inc. (Delaware).

This complaint followed an earlier complaint lodged in December 1985 by the same organization concerning imports of the same product originating in the German Democratic Republic, Romania, Turkey and Yugoslavia, which was terminated by Commission Decision 87/236/EEC⁽⁴⁾ without measures being imposed.

The complaint relating to the current proceeding contained evidence of dumping and of material

injury resulting therefrom which was considered sufficient to warrant the opening of an investigation. The Commission accordingly announced, in a notice published in the *Official Journal of the European Communities*⁽⁵⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of synthetic fibres of polyesters, not carded, combed or otherwise processed for spinning, falling from 1 January 1988 within CN code 5503 20 00 and originating in Mexico, Romania, Taiwan, Turkey, the United States of America or Yugoslavia, and commenced an investigation.

(2) The Commission officially notified the exporters and importers known to be concerned, the representatives of the exporting countries and the complainants, and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

(3) Most of the known producers/exporters and a number of importers made known their views in writing. Some of them requested and were granted hearings.

(4) The Commission sought and verified all information it considered necessary for a preliminary determination of dumping. It inspected the premises of the following companies :

(a) *Community producers*

- Du Pont de Nemours GmbH, Düsseldorf, Federal Republic of Germany,
- Enichem Fibre SpA, Milan, Italy,
- Enka AG, Wuppertal, Federal Republic of Germany,
- Hoechst AG, Frankfurt am Main, Federal Republic of Germany,
- Montefibre SpA, Milan, Italy,
- Nurel SA, Barcelona, Spain,
- Rhône Poulenc Fibres SA, Lyons, France,
- La Seda de Barcelona SA, Barcelona, Spain,
- Sociedad Anónima de Fibras Artificiales, Barcelona, Spain.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 1.

⁽²⁾ OJ No L 167, 26. 6. 1987, p. 9.

⁽³⁾ OJ No L 293, 29. 12. 1972, p. 5.

⁽⁴⁾ OJ No L 103, 15. 4. 1987, p. 38.

⁽⁵⁾ OJ No C 173, 1. 7. 1987, p. 10.

(b) *Non-Community producers/exporters*

United States of America :

- BASF Corp., Williamsburg, Virginia,
- CIMCO Celanese Int. Marketing Co., New York,
- Consolidated Textiles, Charlotte, North Carolina,
- Eastman Chemical Products Inc., Kingsport, Tennessee,
- E. I. Du Pont de Nemours and Co., Wilmington, Delaware,
- Celanese Fibers Inc., Charlotte, North Carolina,
- Leigh Fibers Inc., Spartanburg, South Carolina,
- R & M International Sales Co., Philadelphia, Pennsylvania,
- RSM Co., Charlotte, North Carolina,
- Titan Textile Co. Inc., Paterson, New Jersey,
- William Barnet and Son Inc., Arcadia, South Carolina.

Mexico :

- Celanese Mexicana SA, Mexico City,
- Crisol Textil SA de C. V., Mexico City,
- Fibras Sinteticas SA, Monterrey,
- Kimex SA, Mexico City.

Taiwan :

- Chung Shing Textile Co. Ltd, Taipei,
- Far Eastern Textile Ltd, Taipei,
- Nan Ya Plastics Corp., Taipei,
- Shinkong Synthetic Fibres Corp., Taipei,
- Tuntex Distinct Corp., Taipei.

Turkey :

- SASA Artificial and Synthetic Fibres Inc., Adana, exporting exclusively through the associated company EXSA, Adana,
- Sönmez Filament, Bursa, exporting exclusively through Sönmez Textile, Bursa.

- (5) The Commission did not inspect the premises of exporters in the following countries :

(a) *Romania*

- Producer: Uzina de Fibre Sintetica Iasi, Iasi,
- Exporter: Ice Danubiana, Bucharest.

Romania does not have a market economy (see paragraph 10).

(b) *Yugoslavia*

- Ohis Commerce, Skopje :

In view of the results of the previous investigation, which showed that market prices corresponded with list prices, the Commission

considered that at this stage of the proceeding the list prices and other evidence supplied in response to the questionnaire provided an adequate basis for an examination of whether this company's exports were dumped.

- Vartilen, Varazdin :

This company replied to the questionnaire after the time limit had expired and the Commission accordingly disregarded the evidence supplied and established its preliminary conclusions on the basis of the information available, in accordance with Article 7 (7) (b) of Regulation (EEC) No 2176/84.

- (6) The Commission received and used information from the following importers :

- Celanese SA, Brussels, Belgium,
- Libeltex, Meulebeke, Belgium,
- Tasibel, Hamme, Belgium,
- TOB Herman Industries NV, Antwerp, Belgium,
- Industria Bures, Barcelona, Spain,
- Mitasa, Barcelona, Spain,
- Sociedad Anónima Sans, Mataró, Spain,
- Dolfus Mieg & Cie, Paris, France,
- Soft SpA, Cerreto Castello, Biella, Italy,
- Chicopee BV, Cuijk, The Netherlands,
- Freudenberg, Weinheim, Federal Republic of Germany,
- Hugo Bartram, Neumünster, Federal Republic of Germany,
- J. Grundherr, Bremen, Federal Republic of Germany,
- Schoeller Textil FmbH, Düvon, Federal Republic of Germany,
- James Robinson & Son, Bradford, United Kingdom,
- Mutual Mills, Heywood, United Kingdom.

- (7) The investigation covered the period 1 January to 1 July 1987.

B. DUMPING

(a) **Normal value**

United States of America

- (8) Normal value was provisionally determined on the basis of the domestic prices charged by the producers and dealers concerned to independent customers or, in the case of products sold at a loss or where there were no domestic sales, on the basis of constructed value. In the case of producers, constructed value was calculated on the basis of the cost of production plus a reasonable profit margin, corresponding to the profit made by those producers in previous periods.

In the case of dealers, constructed value was calculated on the basis of the prices which the dealers actually paid the producers, plus a reasonable margin to cover their expenses and a profit margin established on the basis of their sales of similar products.

Mexico

- (9) In general, normal value was provisionally calculated on the basis of the prices charged by Mexican producers which exported to the Community and which supplied sufficient information. It was established on a monthly basis and by type of product. Where there were no domestic sales of the type of product exported to the Community during a given month, the weighted average of domestic sales for the other months was used.

Where there were no domestic sales of a type of product exported to the Community, either the domestic prices of the nearest type or the constructed value was used. Constructed value was calculated by adding together the cost of production and a reasonable profit margin established on the basis of the overall profits made on sales of similar products.

Romania

- (10) In order to establish whether the imports originating in Romania were being dumped, the Commission had to take account of the fact that Romania does not have a market economy, and accordingly based its calculations on the normal value of the products in question in a market economy country. As in the previous proceeding, the complainants suggested the Turkish market. Although a number of objections were raised concerning the high price levels on the Turkish market, the Commission received no properly reasoned request for another country to be chosen. The Commission found that there were no significant differences between the two countries in the production process, scale of production or type of products. It further established that the price levels and costs of production were in reasonable proportion. It accordingly concluded that it was appropriate and not unreasonable to determine the Romanian normal value on the basis of the domestic prices of the most efficient Turkish producer. (For the method used see Turkey.)

Taiwan

- (11) In general, normal value was provisionally calculated on the basis of the prices charged by Taiwanese producers which exported to the

Community and supplied sufficient information. It was established on a monthly basis and by type of product. Where there were no domestic sales of the type of product exported to the Community during a given month, the weighted average of domestic sales for the other months was used.

Where there were no domestic sales of a type of product exported to the Community, either the domestic prices of the nearest type or the constructed value was used. Where domestic sales were made at a loss, constructed value was used as normal value. Constructed value was calculated by adding together the cost of production and a reasonable profit margin established on the basis of the overall profits made on sales of similar products.

Turkey

- (12) Normal value was provisionally calculated on the basis of the prices charged by Turkish producers which exported to the Community and supplied sufficient information. It was established on a monthly basis and by type of product. Where sales were made at a loss, constructed value was used as normal value. It was calculated by adding together the cost of production and a reasonable profit margin established on the basis of the overall profits made on sales of similar products.

Yugoslavia

- (13) Normal value was provisionally determined on the basis of the domestic prices paid or payable for the product on the internal market as shown in the firm's price lists. During the previous investigation, it was established that actual prices were in line with list prices.

(b) Export prices

- (14) In general, export prices were established on the basis of the prices actually paid or payable for products sold for export to the Community. Where products were exported through subsidiaries established in the Community, the Commission calculated export prices on the basis of the prices at which they were sold on to the first independent buyer, adjusted to take account of all costs — including, where appropriate, customs duties — incurred between importation and resale, and a profit margin actually identified and considered reasonable in view of the profit margins of independent importers of the product in question.

(c) Comparison

(15) In general, in its comparison of normal value and export prices, the Commission took account, in accordance with Article 2 (10) (c) of Regulation (EEC) No 2176/84 and according to the circumstances, of differences directly affecting price comparability such as credit terms and transport, insurance, handling and other costs, wherever it was satisfactorily established that the corresponding requests were justified. All comparisons were made deal by deal at the ex-works stage.

Mexico and Turkey

(16) In accordance with Article 2 (10) (d) of Regulation (EEC) No 2176/84, the Commission accepted all justified requests for adjustments to the export prices charged by the Mexican and Turkish producers to take account of exemption from customs duties on the raw materials used for the production of goods exported to the Community.

Taiwan

(17) However, the Commission did not accept requests for adjustments to the export prices charged by the Taiwanese producers to allow for the hedging of exchange rates, since such adjustments are not provided for in Regulation (EEC) No 2176/84. In any case, the Commission considered the hedging of exchange rates to be a financial technique independent of the commercial transaction proper. Moreover, such adjustments were requested only where they favoured the exporter.

(d) Dumping margins

(18) The preliminary comparison of the above facts showed that imports had been dumped. The dumping margins were equal to the difference between normal value and the price on export to the Community duly adjusted, and varied from one exporter to the next. The weighted average dumping margins, adjusted to free-at-Community-frontier prices, were as follows for each of the exporters monitored:

United States of America

Producers :

— BASF Corp. :	23,1 %
— E. I. Du Pont de Nemours & Co. :	0 %
— Eastman Chemical Products Inc. :	9,9 %
— Hoechst Celanese Corp. :	9,2 %

Dealers :

— William Barnet and Son Inc. :	6,5 %
— Consolidated Textiles :	0 %

— Leigh Fibers Inc. :	6,7 %
— R & M International :	2,5 %
— RSM Co. :	2,5 %
— Titan :	3,6 %

Mexico

— Celanese Mexicana SA :	33,7 %
— Crisol Textil SA de C.V. :	10,1 %
— Fibras Sinteticas SA :	22,9 %
— Kimex SA :	43,6 %

Romania

— Ice Danubiana :	46,7 %
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Taiwan

— Chung Shing Textile Co. Ltd :	20,4 %
— Far Eastern Textile Ltd :	5,8 %
— Nan Ya Plastics Corp. :	7,2 %
— Shinkong Synthetic Fibres Corp. :	6,3 %

Turkey

— Sasa Artificial & Synthetic Fibres Inc. :	12,4 %
— Sönmez Filament :	11,9 %

Yugoslavia

— Ohis :	24,6 %
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For the exporters listed below, who failed to cooperate satisfactorily with the Commission investigation, dumping was determined on the basis of available information. The Commission considered the results of its investigation to be the most appropriate basis for determining the dumping margin, and that the fixing of a lower margin than the highest margin determined for an exporter which cooperated with the investigation would reward failure to cooperate and make it possible to evade duty. It accordingly applied the highest margin determined to the following exporters :

— Tuntex Distinct Corp., Taiwan :	20,4 %
— Vartilen, Yugoslavia :	24,6 %

C. INJURY

Volume and price of imports

(a) Volume

(19) Imports into the Community of polyester fibres originating in Mexico, Romania, Taiwan, Turkey, the United States of America and Yugoslavia increased from 33 859 tonnes in 1984 to 37 897 tonnes in 1985, an increase of 12 %, and to 55 552 tonnes in 1986, an increase of 46,6 % compared with 1985. In 1987, imports originating in the said countries rose to 71 474 tonnes, a further increase of 28,6 % compared with 1986.

The Commission discovered that the said countries' share of total imports into the Community fell from 51,9 % in 1984 to 50,7 % in 1985 and then rose to 66,1 % in 1986 and 73,3 % in 1987. The said countries' market share increased from 9,6 % in 1984 to 17,8 % in 1987.

(b) *Prices*

(20) The evidence available to the Commission shows that during the reference period the prices of the imports concerned were lower than the prices charged by Community producers. The differences in the prices of the most representative types on the main Community markets were as follows:

- Mexico : around 30 % and up to 38 %,
- Romania : around 30 % and up to 38 %,
- Taiwan : around 22 % and up to 30 %,
- Turkey : around 20 % and up to 34 %,
- United States : around 10 % and up to 15 % (sub-standard fibres),
- Yugoslavia : around 20 % and up to 25 %.

Impact on Community production

The Commission noted the following:

(a) *Community production*

(21) From 1984 to 1987 Community production of polyester fibres remained relatively stable at between 370 000 and 380 000 tonnes.

(b) *Market share and consumption*

(22) The market share of Community producers fell from 81,8 % in 1984 to 80,9 % in 1985, 78,6 % in 1986 and 75,7 % in 1987. Consumption of polyester fibres increased from 360 000 tonnes in 1984 to 402 000 tonnes in 1987, an increase of about 12 %, largely to the advantage of the exporters concerned by the investigation.

(c) *Prices*

(23) In addition to the negative influence on Community producers' capacity utilization and market share, the imports concerned had a depressive effect on the prices charged by the Community producers. During the reference period the average price of first-quality fibres, which account for the bulk of Community production, fell by some 13 to 15 %.

(d) *Profits*

(24) With the exception of two producers, the Community industry saw its profits fall, its profits turn to losses or its losses grow during the reference period by comparison with 1986, calculated on the basis of net sales, as shown in the following table:

Company	1986	06/1987	Company	1986	06/1987
A	+ 10	+ 3	E	+ 6	- 1
B	+ 14	+ 9	F	- 8	- 12
C	+ 5	+ 4	G	- 1	- 14
D	+ 3	- 2	H	- 6	- 8

(25) The above data show that although the growth of imports did not lead to a fall in production it did deprive the Community industry of the benefits of increased consumption and had a depressive effect on prices; this led both to a fall in market share and a net worsening of the financial results of the Community industry.

Cumulation

(26) In order to determine the impact of dumped imports on the Community industry, the Commission had to decide whether or not to cumulate overall imports originating in the countries concerned by the investigation.

In determining whether it was appropriate in this case to cumulate the imports referred to in the complaint, the Commission took account of the comparability of the imported products in terms of physical characteristics, the volumes imported, price levels and the degree to which they competed with similar Community products.

The US exporters claimed that the impact of their exports should be examined in isolation and judged not to have caused injury in so far as the volume of their exports was small, their market share had fallen and the quality of their products differed from the products both of the other countries referred to in the complaint and of Community producers.

The Commission discovered that in spite of the fall in US exports between 1985 and 1987, their volume remained some 17 % higher than in 1984 and was noticeably higher than that achieved by other exporters.

Nevertheless, the bulk of the exports of US producers were found to be speciality products exported to the Community at relatively high prices. The same did not apply to the exports of dealers, most of which were sub-standard fibres sold at very low prices.

The Commission accordingly concluded that the exports of the US producers should not be cumulated with the exports of the other countries covered by this proceeding, both because the physical characteristics of their products generally differed from those of Community products and other imported products and because these exports did not compete with Community production and other imports on account of their price levels.

The exports of the US dealers, on the other hand, although of a lower quality, were comparable to certain products of the Community industry and were sold at low prices. They therefore competed directly with Community products and should accordingly be cumulated.

Turning to Romanian exports, the Commission found that although their volume fell by 28 % between 1984 and 1987, they still accounted for 1,9 % of consumption and 10 % of the exports of the countries covered by this proceeding and exceeded the volume achieved by the exports originating in certain countries concerned. Furthermore, they involved the highest level of price undercutting. For these reasons, the Commission concluded that they should also be cumulated.

On the basis of the above, the Commission accordingly concluded that all imports of polyester fibres originating in the third countries concerned by this proceeding should be cumulated, with the exception of those exported by the producers investigated in the United States of America.

Causality and other factors

- (27) As regards causality, the Commission found that the increase in the imports in question between 1984 and the first six months of 1987 coincided with the fall in prices on the Community market and the worsening in the financial results of the Community producers concerned.

The Commission examined whether the injury suffered by the Community producers had been caused by other factors, such as imports originating in other third countries. It found that the market

share held by other third countries fell from 8,7 % in 1984 to 6,5 % in 1987. No evidence was supplied to show that these imports had been dumped.

A number of importers claimed that the growth in imports was the result of the fact that Community producers had been alone in not reducing their selling prices in line with the fall in the cost of raw materials. The information available to the Commission shows that this fall had only a small effect on total production costs. Thus this argument does not explain the fall in the prices of polyester fibres on the Community market.

- (28) In these circumstances, the Commission concluded that, taken in isolation, the effects of imports originating in the countries concerned by this proceeding, excluding imports from US producers, should be considered to have caused material injury to the Community producers concerned. The Commission took account of all the complainant Community producers, including those having links with the exporters concerned, such as Hoechst Celanese AG and Celanese Mexicana SA, since their subsidiaries behave largely as independent economic agents.

Community interest

- (29) In view of the serious difficulties confronting the Community industry concerned, the Commission concluded that it was in the Community interest to take steps to eliminate the injury caused to Community producers of polyester fibres. These measures, which would have a relatively small impact on the production costs of the textile industry and would have no significant impact on consumers, should take the form of a provisional anti-dumping duty.

In reaching this conclusion, the Commission was aware that exports originating in Romania were subject to quantitative restrictions in the Benelux countries and Italy. It nevertheless considered those restrictions to be insufficient to eliminate the injury suffered by all Community producers. In any case, the bulk of the exports concerned are sent to the Federal Republic of Germany and involve substantial price undercutting.

D. PROVISIONAL DUTY

(a) Rate of duty

- (30) In determining the rate of the provisional duty, the Commission took into account the dumping margins and the level of duty needed to eliminate the injury. To that end, it compared import prices with the production costs of the most representative Community producers, plus a reasonable profit margin.

The Commission selected those Community producers which it considered to be most representative on the basis of their size, the efficiency of their production plant and their overall costs of production.

The Commission noted the costs of production of the most representative Community producers during the reference period. It took as a reasonable profit margin the average positive margin of the said producers in 1985 and 1986, since for most of that period the impact of imports originating in the countries concerned was still moderate and only began to intensify during the second half of 1986.

The average costs of production plus the said profit margin were compared with the free-at-Community-frontier export prices plus customs duties and a profit margin for the importer.

However, no duty should be imposed on imports which are not dumped or where there is no evidence of injury, in particular on account of the high prices charged by the US producers covered by this investigation.

(b) Form

- (31) To ensure that these defensive measures are effective and to facilitate customs clearance, the Commission considered that the provisional duty should take the form of an *ad valorem* duty.

E. FINAL PROVISION

- (32) In the interests of good administration, a reasonable period should be fixed within which the parties which cooperated fully with this investigation can make known their views on the findings set out in this Regulation and request a hearing,

HAS ADOPTED THIS REGULATION :

Article 1

1. An anti-dumping duty is hereby imposed on imports of polyester fibres falling within CN code 5503 20 00 and originating in Mexico, Romania, Taiwan, Turkey, the United States of America or Yugoslavia.

2. The amount of that duty, calculated on the basis of the free-at-Community-frontier price of the product, not cleared through customs shall be :

- 6,7 % for polyester fibres originating in the United States of America, excluding those produced and exported by the following companies, which shall not be subject to such a duty :

- BASF Corp., Williamsburg,
- Consolidated Textiles, Charlotte,
- E. I. Du Pont de Nemours and Co., Wilmington,
- Eastman Chemical Products Inc., Kingsport,
- Hoechst Celanese Corp., Charlotte,
- as follows for the companies indicated below :
 - William Barnet and Son Inc., Arcadia : 6,5 %,
 - R & M International Sales Co., Philadelphia : 5,6 %,
 - RSM Co., Charlotte : 2,5 %,
 - Titan Textile Co. Inc., Paterson : 3,6 %,
- 43 % for polyester fibres originating in Mexico, but as follows for the companies indicated below :
 - Fibras Sinteticas SA, Monterrey : 22,9 %,
 - Crisol Textil SA de C.V., Mexico : 10,1 %,
 - Celanese Mexicana SA, Mexico : 28,0 %,
- 45,8 % for polyester fibres originating in Romania,
- 20,4 % for polyester fibres originating in Taiwan, but as follows for the companies indicated below :
 - Far Eastern Textile Ltd, Taipei : 5,8 %,
 - Nan Ya Plastics Corp., Taipei : 7,2 %,
 - Shinkong Synthetic Fibres Corp., Taipei : 6,3 %,
- 12,4 % for polyester fibres originating in Turkey, but as follows for the company indicated below :
 - Sönmez Filament, Bursa 11,9 %,
- 24,6 % for polyester fibres originating in Yugoslavia.

3. The provisions in force concerning customs duties shall apply,

4. Release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the lodging of a security equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Regulation (EEC) No 2176/84, the parties which cooperated fully with the investigation may make known their views in writing and request a hearing with the Commission within one month of the entry into force of this Regulation.

Article 3

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

Subject to Articles 11, 12 and 14 of Regulation (EEC) No 2176/84, it shall apply for a period of four months or until the Council adopts definitive measures, whichever is the earlier.

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

Done at Brussels, 14 June 1988.

For the Commission
Willy DE CLERCQ
Member of the Commission

COMMISSION REGULATION (EEC) No 1847/88
of 29 June 1988
amending Regulation (EEC) No 2819/79 as regards certain textile products
(categories ex 18 and 26) originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports (*), as amended by Regulation (EEC) No 1243/86 (**), and in particular Article 10 thereof,

Without prejudice to the other provisions of Commission Regulation (EEC) No 2819/79, the import document referred to in Article 2 of that Regulation shall be issued or endorsed for the products listed in Annex I only on presentation of an export information document corresponding to the specimen shown in Annex II or, where appropriate, of an export information document relating to cottage industry and folklore products corresponding to the specimen shown in Annex III.

After consultation within the Advisory Committee set up by Article 5 of that Regulation,

The said export information documents shall be issued by the Istanbul, Izmir (Smyrna) Çukurova and Bursa Garment Exporters' Associations.

Whereas Commission Regulation (EEC) No 2819/79 (*), as last amended by Regulation (EEC) No 3790/87 (**), makes imports of certain textile products originating in certain non-member countries subject to Community surveillance;

Any export advice note should be presented to the competent authorities in the Member States within one month of its date of issue.

Whereas Turkey has introduced administrative procedures to provide rapid information on the trend of trade in certain textile products;

The import document referred to in Article 2 of Regulation (EEC) No 2819/79 may be used for two months from the date of issue. In exceptional circumstances that period may be extended by a month.

Whereas a system of administrative cooperation has been established between the European Economic Community and Turkey with regard to trade in certain textile products referred in the Annex to this Regulation;

Article 2

Whereas, in order to be effective, such administrative cooperation must have a consistent statistical basis;

This Regulation shall enter into force on 1 July 1988.

Whereas it is appropriate that this Regulation should not apply in respect of those products referred to in the Annex to this Regulation, in so far as these originated in Turkey and have been introduced into the customs territory of the Community prior to its entry into force, but have not been released into free circulation in the Community,

It shall not apply in respect of products originating in Turkey which have previously been introduced into the customs territory of the Community, but which have not been released into free circulation in the Community.

It shall apply until 31 December 1988.

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

Done at Brussels, 29 June 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

(*) OJ No L 35, 9. 2. 1982, p. 1.

(**) OJ No L 113, 30. 4. 1986, p. 1.

(*) OJ No L 320, 15. 12. 1979, p. 9.

(*) OJ No L 356, 18. 12. 1987, p. 18.

ANNEX I

Category	CN code	Description	Units	Third country
ex 18	6207 91 00	Men's or boys' bathrobes, dressing gowns and similar articles, other than knitted or crocheted, of cotton	tonnes	Turkey
	6208 91 10	Women's or girls' negligés, bathrobes, dressing gowns and similar articles, other than knitted or crocheted, of cotton		
26	6104 41 00	Women's or girls' dresses, of wool, of cotton or man-made fibres	1 000 pieces	Turkey
	6104 42 00			
	6104 43 00			
	6104 44 00			
	6204 41 00			
	6204 42 00			
	6204 43 00			
6204 44 00				

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II

(*) In the currency of the sale contract — Dans la monnaie du contrat de vente.

(†) Show net weight (kg) and also quantity in the unit prescribed for category. Indiquer le poids net en kilogrammes ainsi que la quantité dans l'unité prévue pour la catégorie.

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	ORIGINAL		2 No
	3 Management year: Année de gestion :	4 Category number: Numéro de catégorie :	
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	EXPORT INFORMATION DOCUMENT (Textile products) DOCUMENT INFORMATION D'EXPORTATION (Produits textiles)		
To be sent to the importer Copie à envoyer à l'importateur	6 Country of origin Pays d'origine	7 Country of destination Pays de destination	
8 Place and date of shipment — Means of transport Lieu et date d'embarquement — Moyen de transport	9 Supplementary details Données supplémentaires		
10 Marks and numbers — Number and kind of packages DESCRIPTION OF GOODS Marques et numéros — Nombre et nature des colis DESIGNATION DES MARCHANDISES	11 Combined nomenclature (CN) codes Codes de la nomenclature combinée (NC)	12 Quantity (†) Quantité	13 Value (†) fob Turkey Valeur fob Turquie
This document must be presented to the competent authorities in the importer member country within one month of its date of issue. Le présent document doit être présenté aux autorités compétentes du pays membre importateur dans un délai d'un mois à compter de la date de sa délivrance.			
14 CERTIFICATION BY THE TURKISH AUTHORITY — VISA DE L'ASSOCIATION EXPORTATRICE TURQUE :			
I, the undersigned, certify the authenticity of the above information. Je soussigné certifie l'authenticité des informations données ci-dessus.			
At-A On-Le			
15 COMPETENT ASSOCIATION (name, full address, country) ASSOCIATION COMPÉTENTE (nom, adresse complète, pays)		Signature	Stamp-Cachet

ANEXO III — BILAG III — ANHANG III — ΠΑΡΑΡΤΗΜΑ ΙΙΙ — ANNEX III — ANNEXE III — ALLEGATO III — BIJLAGE III — ANEXO III

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	ORIGINAL		2 No	
	EXPORT INFORMATION DOCUMENT in regard to handlooms, textile handicrafts and traditional textile products of the cottage industry DOCUMENT INFORMATION D'EXPORTATION relatif aux tissus tissés sur métiers à main, aux produits textiles faits à la main et aux produits textiles relevant du folklore traditionnel, de fabrication artisanale			
3 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	4 Country of origin Pays d'origine		5 Country of destination Pays de destination	
To be sent to the importer Copie à envoyer à l'importateur	7 Supplementary details Données supplémentaires			
6 Place and date of shipment — Means of transport Lieu et date d'embarquement — Moyen de transport				
8 Marks and numbers — Number and kind of packages DESCRIPTION OF GOODS Marques et numéros — Nombre et nature des colis DESIGNATION DES MARCHANDISES	9 Combined nomenclature (CN) codes Codes de la nomenclature combinée (NC)	10 Quantity (*) Quantité	11 Value (*) fob Turkey Valeur fob Turquie	
This document must be presented to the competent authorities in the importer member country within one month of its date of issue. Le présent document doit être présenté aux autorités compétentes du pays membre importateur dans un délai d'un mois à compter de la date de sa délivrance.				
12 CERTIFICATION BY THE TURKISH EXPORTING ASSOCIATION — VISA DE L'ASSOCIATION EXPORTATRICE TURQUE: I, the undersigned, certify that the consignment described above includes only the following textile products of the cottage industry of the country shown in box No 4 a) fabrics woven on looms operated solely by hand or foot (handlooms) (*) b) garments or other textile articles obtained manually from the fabrics described under a) and sewn solely by hand without the aid of any machine (handicrafts) (*) c) traditional folklore handicraft textile products made by hand, as defined in the list agreed between the European Economic Community and the Associations shown in box No 13 Je soussigné certifie que l'envoi décrit ci-dessus contient exclusivement les produits textiles suivants, relevant de la fabrication artisanale du pays figurant dans le case 4 a) tissus tissés sur des métiers actionnés à la main ou au pied (handlooms) (*) b) vêtements ou autres articles textiles obtenus manuellement à partir de tissus décrits au point a) et cousus uniquement à la main sans l'aide d'une machine (handicrafts) (*) c) produits textiles relevant du folklore traditionnel fabriqués à la main, comme définis dans la liste convenue entre la Communauté économique européenne et les associations indiquées dans le case 13.				
At-À On-Le				
13 COMPETENT ASSOCIATION (name, full address, country) ASSOCIATION COMPÉTENTE (nom, adresse complète, pays)		Signature		
		Stamp-Cachet		

(*) In the currency of the sale contract — Dans le monnaie du contrat de vente.
 (†) Delete as appropriate — Biffer la (les) mention(s) inutile(s).

(*) Show net weight (kg) and also quantity in the unit prescribed for category.
 Indiquer le poids net en kilogrammes ainsi que la quantité dans l'unité prévue pour la catégorie.

COMMISSION DECISION No 2158/88/ECSC
of 20 July 1988

imposing a provisional anti-dumping duty on imports of certain iron or steel sections originating in Yugoslavia or Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2177/84/ECSC of 27 July 1984 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community⁽¹⁾, and in particular Article 11 thereof,

After consultations within the Advisory Committee as provided for by the above Decision,

Whereas :

A. PROCEDURE

(1) In February 1987 the Commission received a complaint lodged by the European Confederation of Iron and Steel Industries (Eurofer) on behalf of producers whose collective output constitutes the majority of Community production of the product in question. The complaint contained evidence of dumping and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding. The Commission accordingly announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding concerning imports into the Community of U or I sections of a height of 80 mm or more and blanks therefor containing by weight less than 0,6 % of carbon falling within CN codes ex 7207 19 31, ex 7207 20 71, ex 7216 31 00 and ex 7216 32 00, originating in Yugoslavia or Turkey and commenced an investigation.

(2) The Commission officially so advised the exporters and importers known to be concerned, the representatives of the exporting country and the complainants and gave the parties directly concerned the opportunity to make known their views in writing and to request a hearing.

(3) All of the producers/exporters and some importers known to the Commission made their views known in writing. The Yugoslav producer/exporter requested a hearing which was granted.

(4) No submissions were made by or on behalf of Community purchasers or processors of the iron or steel sections concerned.

(5) The Commission sought and verified all information it deemed to be necessary for the purposes of a preliminary determination and carried out investigations at the premises of the following companies :

EEC producers :

- Thyssen Stahl AG, Duisburg, Germany,
- Peine-Salzgitter AG, Salzgitter, Germany,
- Sacilor Unimétal, Metz, France,
- Cockerill Sambre SA, Seraing, Belgium,
- Trade Arbed, Luxembourg,

Non-EEC producers/exporters :

- İzmir Demir Çelik Sanayi, AŞ, İzmir Turkey (producer),
- İZDAŞ Diğicaret AŞ, İstanbul, Turkey (exporter),
- ÇEMTAŞ Çelik Makina Sanayi ve Ticaret AŞ, Bursa, Turkey (producer/exporter),

EEC importers :

- Interprogress GmbH, Frankfurt, Germany,
- Salis, SpA, Sassari, Italy.

(6) The Commission requested and received detailed written submissions from complainant Community producers and some importers and verified the information therein to the extent considered necessary.

(7) The Commission also sent questionnaires to the Yugoslav producer known to be concerned in order to obtain the necessary information and granted ample extension of the time period laid down for the reply. However, information submitted by the Yugoslav producer was incomplete and he refused in particular to disclose details of quantities and prices with regard to his domestic market and certain export transactions. Under these circumstances the Commission concluded that on-spot verification was not warranted and decided to base its preliminary determinations on the available evidence.

(8) The investigation of dumping covered the period from 1 July 1986 to 30 June 1987.

⁽¹⁾ OJ No L 201, 30. 7. 1984, p. 17.

⁽²⁾ OJ No C 216, 14. 8. 1987, p. 2.

B. DUMPING

I. Yugoslavia

(a) Normal value

(9) As the Yugoslav producer refused to submit information with regard to sales of iron or steel sections on the domestic market the Commission provisionally established normal values on the basis of the published basic prices⁽¹⁾ as they applied during the investigation period, referred to in the Exchange of Letters (see Final Act of the Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community, of the one part, and the Socialist Federal Republic of Yugoslavia, of the other part, 83/42/ECSC⁽²⁾).

(b) Export prices

(10) As the Yugoslav producer failed to submit detailed information on its export transactions permitting determination of the export prices to the Community for the products in question, the Commission based its preliminary determination on the available evidence.

For this purpose the Commission used information from import licence applications transmitted to the Commission by the competent national authorities, in particular the purchase prices declared by applicant importers. As far as possible the Commission verified this information at the premises of those importers which were ready to cooperate.

(c) Comparison

(11) In comparing normal value, i.e. basic prices less customs duty, with export prices, the Commission took account, where appropriate and to the extent of the evidence available, of differences in conditions and terms of sale such as transport, insurance, forwarding and handling costs.

(12) Since the basic prices are calculated cif Community frontier, all comparisons were made at the level cif Community frontier, duty unpaid.

(d) Dumping margins

(13) Export prices as established using the method described in recital 10 were compared with the corresponding normal value derived from the published basic prices, transaction by transaction, the margins of dumping being equal to the amount by which the normal value as established exceeds the prices for export to the Community.

(14) The above preliminary examination of the facts shows the existence of dumping, the weighted average margin being 38,2 %.

II. Turkey

(a) Normal value

(15) The Commission established provisionally normal values on the basis of the domestic prices of the producers exporting to the Community who provided sufficient evidence and whose prices were considered to be representative of the Turkish domestic market.

(b) Export prices

(16) Export prices were determined on the basis of the prices actually paid or payable for the product sold for export to the Community.

(c) Comparison

(17) In comparing normal value with export prices, the Commission took account, where appropriate and to the extent of the evidence available, of differences in conditions and terms of sale such as transport, insurance, forwarding, handling costs and payment terms. All comparisons were made at the ex-works level.

(d) Dumping margins

(18) The above preliminary determination of the facts shows the existence of dumping, the margins of dumping being equal to the amount by which the normal values as established exceed the prices for export to the Community. The weighted average margin for each of the exporters being:

— İDÇ/İZDAŞ	36,5 %
— ÇEMTAŞ	15,5 %

C. INJURY

(19) With regard to injury caused by the dumped imports the evidence available to the Commission shows that imports into the Community from Yugoslavia increased from 7 213 tonnes in 1983 to 65 973 tonnes in 1986 and reached 33 027 tonnes in the first half of 1987. Their corresponding market share rose from 0,5 % in 1983 to 3,6 % in 1986 and 3,7 % in the first half of 1987.

(20) Imports originating in Turkey went up from practically zero in 1985 to 48 437 tonnes in 1986. However, in the first half of 1987, imports from Turkey, which still stood at 29 224 tonnes in the second half of 1986, fell back to only 1 483 tonnes. In terms of market share, imports from Turkey had reached 3,5 % in only one year, starting from zero and then declined again to 0,2 % in the second half of the investigation period.

(1) OJ No L 321, 17. 11. 1982, p. 8, and

OJ No C 119, 5. 5. 1987, p. 3.

(2) OJ No L 41, 14. 2. 1983, p. 113.

- (21) The combined market share of imports of U and I sections from Yugoslavia and Turkey increased from 0,5 % in 1983 to 6,2 % in 1986 and dropped to 3,9 % in the first half of 1987 for the reasons indicated above.

In the most affected Member States the market share of the dumped imports peaked during the investigation period at 12,2 % in the Federal Republic of Germany, 13,8 % in Belgium and at 9,8 % in Italy.

- (22) The evidence available to the Commission also indicates that the prices of these products undercut the prices of Community producers during the investigation period to a varying degree. On average, measured against Community producers' price lists and the maximum rebates available during the investigation period the price undercutting is provisionally established at 16 % for products exported from Yugoslavia, 11,8 % for products exported by İDÇ/İZDAŞ, Turkey and 5 % for products exported by ÇEMTAŞ Turkey.

- (23) After a slight recovery in 1985, Community production of U and I sections continued to decline in 1986 and during the first half of 1987. In 1986, when dumped imports from Yugoslavia and Turkey started to increase substantially, Community production of U and I sections decreased by 7,9 % and by another 6 % in the first half of 1987 as compared with the first half of 1986.

- (24) Between 1984 and the investigation period, Community producers reduced their production capacity by about 1,5 million tonnes representing a decline of 35 %. Only these drastic restructuring efforts permitted an improvement of the average rate of capacity utilization from 53 % to 69 %. On the basis of the disposable capacity in 1984, the average utilization rate would have declined to less than 45 %. It is clear that under these circumstances the surge of low-priced imports hampers the restructuring efforts of Community producers and prevents the necessary market equilibrium between supply and demand being reached and increases the cost and the social difficulties of achieving this goal.

- (25) The profitability situation of Community producers, which had improved in 1985 slumped again during the investigation period, 1986/87, due to the sharp deterioration of prices in the Community which largely outweighed the cost savings on energy and raw materials due to the decline in the exchange rate of the US dollar against Community currencies.

- (26) The Commission has considered whether injury has been caused by other factors such as imports of U and I sections from other third countries. These imports decreased by 8,8 % from 1985 to 1986 and had fallen by 21 % in the first half of 1987 compared with the first half of 1986. Their market share was reduced from 29,2 % in 1985 to 21,4 % in the investigation period.

- (27) The substantial increase in dumped imports and the prices at which they are offered for sale in the Community led the Commission to determine that, provisionally, the effect of the dumped imports of iron or steel sections originating in Yugoslavia and Turkey taken in isolation have to be considered as constituting material injury to the Community industry concerned.

D. COMMUNITY INTEREST

- (28) The Commission had to take into account that the Community steel industry is faced with the need to continue its restructuring efforts and that the return to normal market conditions by gradually lifting the crisis regime introduced by the Commission can only be achieved if fair trading conditions are established in the market.

In this context imports of significant quantities of dumped products into the Community also put into question the objectives sought by the external measures adopted within the framework of the Community steel policy; third countries which have concluded steel trade arrangements with the Community will only respect and renew these arrangements if they see a reasonable chance of selling the quantities provided for at the price levels agreed.

- (29) In view of the particularly serious difficulties facing the Community industry, and in the light of the factors referred to above the Commission has come to the conclusion that it is in the Community's interest that action be taken. However, the Commission has considered whether action should be taken also against imports of iron and steel sections originating in Turkey, taking into account that in the second half of the investigation period these imports had fallen back to a level that would not be injurious to the Community industry. However, the rapid increase of imports from Turkey from zero to about 50 000 tonnes within a relatively short period, causing material injury to the Community industry, marks that dumped imports from Turkey could resume and reach again rapidly an injurious level if the proceeding were to be terminated without protective measures.

Under these circumstances, the Commission has come to the conclusion that notwithstanding the decline of imports from Turkey in the second half of the investigation period, action is also to be taken against these imports.

In order to prevent further injury being caused during the remainder of the proceeding, this action should take the form of provisional anti-dumping duties.

E. RATE OF DUTY

- (30) As it is necessary for the Community industry to achieve their published list prices in order to generate a sufficient flow of earnings and to keep the impact of restructuring within acceptable limits, the duty should be less than the dumping margin but sufficient to eliminate the price undercutting found and be expressed as an amount in ECU to be paid on each tonne imported into the Community. This form of duty seems more appropriate in the light of the specific circumstances of the market for the relevant products in order to ensure the effectiveness of the measure.

On this basis, the Commission services calculated the amounts of the provisional duties as follows:

— Yugoslavia :	39,0 ECU,
— Turkey :	
— İDÇ :	30,0 ECU,
— ÇEMTAŞ :	14,0 ECU,

to be paid on each tonne imported into the Community.

- (31) A period should be fixed within which the parties concerned may make their views known and request a hearing.

HAS ADOPTED THIS DECISION :

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of U or I sections of a height of 80 mm or

more and blanks therefor containing by weight less than 0,6 % of carbon, corresponding to CN codes ex 7207 19 31, ex 7207 20 71, ex 7216 31 00 and ex 7216 32 00 originating in Yugoslavia or Turkey.

2. The amount of the duty shall be for iron and steel sections originating in :

— Yugoslavia :	39 ECU per 1 000 kilograms,
— Turkey :	30 ECU per 1 000 kilograms.

3. Notwithstanding paragraph 2, the rate of the provisional anti-dumping duty shall be 14 ECU per 1 000 for products manufactured by ÇEMTAŞ Celik Makina Sanayi ve Ticaret AŞ, Bursa, Turkey.

4. The provisions in force concerning customs duties shall apply.

5. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 7 (4) (b) and (c) of Decision No 2177/84/ECSC, the parties concerned may make known their views in writing and apply to be heard by the Commission within one month of the entry into force of this Decision.

Article 3

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

Subject to Articles 11, 12 and 14 of Decision No 2177/84/ECSC, it shall apply for a period of four months, unless the Commission adopts definitive measures before the expiry of that period.

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

Done at Brussels, 20 July 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION REGULATION (EEC) No 2763/88

of 5 September 1988

introducing a countervailing charge and suspending the preferential customs duty on imports of fresh lemons originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1386/88 of 20 May 1988 fixing the reference price for fresh lemons for the 1988/89 marketing year⁽³⁾ fixed the reference price for products of class I for the month of September 1988 at 60,24 ECU per 100 kilograms net for July and August 1988 and at 55,48 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative price or the arithmetic mean of the lowest prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into

consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for fresh lemons originating in Turkey, the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

Whereas, in Article 1 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁶⁾, as amended by Regulation (EEC) No 1555/84⁽⁷⁾, a rate of customs duty of 4 % should be reintroduced.

Whereas if the system is to operate normally the entry price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

1. A countervailing charge of 7,10 ECU per 100 kilograms net is applied on imports of fresh lemons falling within CN code 0805 30 10 originating in Turkey.
2. The import duty on these products is fixed at 4 %.

Article 2

This Regulation shall enter into force on 7 September 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 128, 21. 5. 1988, p. 21.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 3.

⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 5 September 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 2814/88

of 12 September 1988

abolishing the countervailing charge and re-establishing a preferential customs duty on imports of fresh lemons originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain und Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2763/88⁽³⁾ introduced a countervailing charge on fresh lemons originating in Turkey and suspended the preferential customs duty on imports of these products;

Whereas the present trend of prices for Turkish products on the representative markets referred to in Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicated that entry prices have been at least equal to the reference price for two consecutive market days; whereas

the conditions specified in Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of fresh lemons originating in Turkey can be abolished;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁶⁾, as amended by Regulation (EEC) No 1555/84⁽⁷⁾, the preferential rate of customs duty should be re-established at the same time as the countervailing charge is abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2763/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 13 September 1988.

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

Done at Brussels, 12 September 1988.

For the Commission

FRANS ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 247, 6. 9. 1988, p. 9.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 9.

⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.

COMMISSION REGULATION (EEC) No 2911/88

of 21 September 1988

introducing a countervailing charge and suspending the preferential customs duty on imports of fresh lemons originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1386/88 of 20 May 1988 fixing the reference price for fresh lemons for the 1988/89 marketing year⁽³⁾ fixed the reference price for products of class I for the month of September 1988 at 55,48 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative price or the arithmetic mean of the lowest prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into

consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for fresh lemons originating in Turkey, the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

Whereas, in Article 1 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁶⁾, as amended by Regulation (EEC) No 1555/84⁽⁷⁾, a rate of customs duty of 4 % should be reintroduced.

Whereas if the system is to operate normally the entry price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

1. A countervailing charge of 12,89 ECU per 100 kilograms net is applied on imports of fresh lemons falling within CN code ex 0805 30 10 originating in Turkey.
2. The import duty on these products is fixed at 4 %.

Article 2

This Regulation shall enter into force on 23 September 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 128, 21. 5. 1988, p. 21.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 3.

⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 21 September 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3044/88
of 30 September 1988
amending Regulation (EEC) No 2911/88 introducing a countervailing charge on fresh lemons originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2911/88⁽³⁾ introduced a countervailing charge on fresh lemons originating in Turkey;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is amended; whereas if those conditions are taken into consideration, the countervailing charge on the import of fresh lemons originating in Turkey must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 2911/88 '12,89' ECU is hereby replaced by '28,16' ECU.

Article 2

This Regulation shall enter into force on 1 October 1988.

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

Done at Brussels, 30 September 1988.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 262, 22. 9. 1988, p. 16.

COMMISSION REGULATION (EEC) No 3109/88
of 7 October 1988
amending Regulation (EEC) No 2819/79 as regards certain textile products
(category 65) originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Economic Community,

Article 1

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports⁽¹⁾, as amended by Regulation (EEC) No 1243/86⁽²⁾, and in particular Article 10 thereof,

Without prejudice to the other provisions of Commission Regulation (EEC) No 2819/79, the import document referred to in Article 2 of that Regulation shall be issued or endorsed for the products listed in Annex I only on presentation of an export information document corresponding to the specimen shown in Annex II.

After consultation within the Advisory Committee set up by Article 5 of that Regulation,

The said export information documents shall be issued by the Istanbul, Izmir (Smyrna) Cukurova and Bursa Textile Exporters' Associations.

Whereas Commission Regulation (EEC) No 2819/79⁽³⁾, as last amended by Regulation (EEC) No 1847/88⁽⁴⁾, makes imports of certain textile products originating in certain non-member countries subject to Community surveillance;

Any export advice note should be presented to the competent authorities in the Member States within one month of its date of issue.

Whereas Turkey has introduced administrative procedures to provide rapid information on the trend of trade in certain textile products;

The import document referred to in Article 2 of Regulation (EEC) No 2819/79 may be used for two months from the date of issue. In exceptional circumstances that period may be extended by a month.

Whereas a system of administrative cooperation has been established between the European Economic Community and Turkey with regard to trade in certain textile products referred to in the Annex to this Regulation;

Article 2

Whereas, in order to be effective, such administrative cooperation must have a consistent statistical basis;

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

Whereas it is appropriate that this Regulation should not apply in respect of those products referred to in the Annex to this Regulation, in so far as these originated in Turkey and have been introduced into the customs territory of the Community prior to its entry into force, but have not been released into free circulation in the Community,

It shall not apply in respect of products originating in Turkey which have previously been introduced into the customs territory of the Community, but which have not been released into free circulation in the Community.

It shall apply until 31 December 1988.

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

Done at Brussels, 7 October 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 113, 30. 4. 1986, p. 1.

⁽³⁾ OJ No L 320, 15. 12. 1979, p. 9.

⁽⁴⁾ OJ No L 163, 30. 6. 1988, p. 19.

ANNEX I

Category	CN code	Description	Units	Third country
65	5606 00 10	Knitted or crocheted fabric other than those of categories 38 A and 63, of wool, of cotton or of man-made fibres	tonnes	Turkey
	ex 6001 10 00			
	6001 21 00			
	6001 22 00			
	6001 29 10			
	6001 91 10			
	6001 91 30			
	6001 91 50			
	6001 91 90			
	6001 92 10			
	6001 92 30			
	6001 92 50			
	6001 92 90			
	6001 99 10			
	ex 6002 10 10			
	6002 20 10			
	6002 20 39			
	6002 20 50			
	6002 20 70			
	ex 6002 30 10			
	6002 41 00			
	6002 42 10			
	6002 42 30			
	6002 42 50			
	6002 42 90			
	6002 43 31			
	6002 43 33			
	6002 43 35			
	6002 43 39			
	6002 43 50			
	6002 43 91			
	6002 43 93			
	6002 43 95			
	6002 43 99			
	6002 91 00			
	6002 92 10			
	6002 92 30			
	6002 92 50			
	6002 92 90			
	6002 93 31			
	6002 93 33			
	6002 93 35			
	6002 93 39			
	6002 93 91			
	6002 93 99			

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II — ANEXO II

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)		ORIGINAL		2 No	
		3 Management year: Année de gestion:		4 Category number: Numéro de catégorie:	
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)		EXPORT INFORMATION DOCUMENT (Textile products) DOCUMENT INFORMATION D'EXPORTATION (Produits textiles)			
To be sent to the importer Copie à envoyer à l'importateur		6 Country of origin Pays d'origine		7 Country of destination Pays de destination	
8 Place and date of shipment — Means of transport Lieu et date d'embarquement — Moyen de transport		9 Supplementary details Données supplémentaires			
10 Marks and numbers — Number and kind of packages DESCRIPTION OF GOODS Marques et numéros — Nombre et nature des colis DÉSIGNATION DES MARCHANDISES		11 Combined nomenclature (CN) codes Codes de la nomenclature combinée (NC)	12 Quantity (1) Quantité	13 Value (2) fob Turkey Valeur fob Turquie	
This document must be presented to the competent authorities in the importer member country within one month of its date of issue. Le présent document doit être présenté aux autorités compétentes du pays membre importateur dans un délai d'un mois à compter de la date de sa délivrance.					
14 CERTIFICATION BY THE TURKISH AUTHORITY — VISA DE L'ASSOCIATION EXPORTATRICE TURQUE:					
I, the undersigned, certify the authenticity of the above information. Je soussigné certifie l'authenticité des informations données ci-dessus.					
At-A			On-Le		
15 COMPETENT ASSOCIATION (name, full address, country) ASSOCIATION COMPÉTENTE (nom, adresse complète, pays)		Signature		Stamp-Cachet	

(*) In the currency of the sale contract — Dans le monnaie du contrat de vente.

(*) Show net weight (kg) and also quantity in the unit prescribed for category. Indiquer le poids net en kilogrammes ainsi que la quantité dans l'unité prescrite pour la catégorie.

COMMISSION REGULATION (EEC) No 3120/88

of 10 October 1988

abolishing the countervailing charge and re-establishing a preferential customs duty on imports of fresh lemons originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EEC) No 2238/88 ⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 2911/88 ⁽³⁾, as amended by Regulation (EEC) No 3044/88 ⁽⁴⁾, introduced a countervailing charge on fresh lemons originating in Turkey and suspended the preferential customs duty on imports of these products;

Whereas the present trend of prices for these products on the representative markets referred to in Commission Regulation (EEC) No 2118/74 ⁽⁵⁾, as last amended by Regulation (EEC) No 3811/85 ⁽⁶⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicates that the application of the first subparagraph of Article 26 (1) of Regulation (EEC) No 1035/72 would result in the countervailing charge being

fixed at zero; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Turkey;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey ⁽⁷⁾, as amended by Regulation (EEC) No 1555/84 ⁽⁸⁾, the preferential rate of customs duty should be re-established at the same time as the countervailing charge is abolished,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 2911/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 11 October 1988.

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

Done at Brussels, 10 October 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 262, 22. 9. 1988, p. 16.

⁽⁴⁾ OJ No L 271, 1. 10. 1988, p. 106.

⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁷⁾ OJ No L 367, 23. 12. 1981, p. 9.

⁽⁸⁾ OJ No L 150, 6. 6. 1984, p. 4.

COUNCIL REGULATION (EEC) No 3170/88

of 14 October 1988

extending the provisional anti-dumping duty on imports of synthetic fibres of polyesters originating in Mexico, Romania, Taiwan, Turkey, the United States of America and Yugoslavia

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 11 (5) thereof,

Having regard to the proposal from the Commission,

Whereas, by Regulation (EEC) No 1696/88⁽²⁾, the Commission imposed a provisional anti-dumping duty on imports of synthetic fibres of polyesters originating in Mexico, Romania, Taiwan, Turkey, the United States of America and Yugoslavia;

Whereas exporters have asked for the period of validity of the provisional duty to be extended on the grounds that they need more time to defend their interests; whereas their request appears to be justified;

Whereas the said exporters account for a significant percentage of the trade involved;

Whereas it has not been possible to examine the facts and hear certain parties concerned within the time available, and the extension requested should therefore be granted,

HAS ADOPTED THIS REGULATION:

Article 1

The provisional anti-dumping duty imposed by Regulation (EEC) No 1696/88 on imports of synthetic fibres of polyesters originating in Mexico, Romania, Taiwan, Turkey, the United States of America and Yugoslavia is hereby extended for a period not exceeding two months.

Article 2

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

Subject to Article 11 of Regulation (EEC) No 2423/88 and any other Council decision, this Regulation shall apply until such time as definitive measures are adopted by the Council, but not later than the end of a period of two months starting on 18 October 1988.

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

Done at Luxembourg, 14 October 1988.

For the Council
The President
V. PAPANDEOU

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 151, 17. 6. 1988, p. 47.

COUNCIL REGULATION (EEC) No 3171/88
of 14 October 1988

extending the provisional anti-dumping duty on imports of polyester yarn
originating in Mexico, South Korea, Taiwan and Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 2423/88
of 11 July 1988 on protection against dumped or
subsidized imports from countries not members of the
European Economic Community⁽¹⁾, and in particular
Article 11 (5) thereof,

Having regard to the proposal from the Commission,

Whereas, by Regulation (EEC) No 1695/88⁽²⁾, as
amended by Regulation (EEC) No 2871/88⁽³⁾, the
Commission imposed a provisional anti-dumping duty on
imports of polyester yarn originating in Mexico, South
Korea, Taiwan and Turkey;

Whereas exporters have asked for the period of validity of
the provisional duty to be extended on the grounds that
they need more time to defend their interests; whereas
their request appears to be justified;

Whereas the said exporters account for a significant
percentage of the trade involved;

Whereas it has not been possible to examine the facts and
hear certain parties concerned within the time available,
and the extension requested should therefore be granted,

HAS ADOPTED THIS REGULATION:

Article 1

The provisional anti-dumping duty imposed by
Regulation (EEC) No 1695/88, as amended by Regulation
(EEC) No 2871/88, on imports of polyester yarn
originating in Mexico, South Korea, Taiwan and Turkey is
hereby extended for a period not exceeding two months.

Article 2

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

Subject to Article 11 of Regulation (EEC) No 2423/88 and
any other Council decision, this Regulation shall apply
until such time as definitive measures are adopted by the
Council, but not later than the end of a period of two
months starting on 18 October 1988.

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

Done at Luxembourg, 14 October 1988.

For the Council
The President
V. PAPANDEOU

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 151, 17. 6. 1988, p. 39.

⁽³⁾ OJ No L 257, 17. 9. 1988, p. 24.

COMMISSION REGULATION (EEC) No 3507/88

of 10 November 1988

introducing a countervailing charge and suspending the preferential customs duty on imports of mandarins, including tangerines and satsumas, Wilkings and other similar citrus hybrids, with the exception of clementines originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 3198/88 of 18 October 1988 fixing the reference price for mandarins, including tangerines and satsumas, Wilkings and other similar citrus hybrids, with the exception of clementines for the 1988/89 marketing year⁽³⁾ fixed the reference price for products of class I from 1 November 1988 to 28 February 1989 at 27,51 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative price or the arithmetic mean of the lowest prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Commission Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for mandarins, including tangerines and satsumas, Wilkings and other similar citrus hybrids, with the exception of clementines originating in Turkey, the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these mandarins, including tangerines and satsumas, Wilkings and other similar citrus hybrids, with the exception of clementines;

Whereas, in Article 1 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁶⁾, as amended by Regulation (EEC) No 1555/84⁽⁷⁾, a rate of customs duty of 5,6 % should be reintroduced;

Whereas if the system is to operate normally the entry price should be calculated on the following basis:

— in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,

— for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient,

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 284, 19. 10. 1988, p. 20.

⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 3.

⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.

⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.

⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

HAS ADOPTED THIS REGULATION:

CN codes 0805 20 30, 0805 20 50, 0805 20 70 and 0805 20 90 originating in Turkey.

Article 1

1. A countervailing charge of 3,97 ECU per 100 kilograms net is applied on imports of mandarins, including tangerines and satsumas, Wilkings and other similar citrus hybrids, with the exception of clementines falling within

2. The import duty on these products is fixed at 5,6 %.

Article 2

This Regulation shall enter into force on 12 November 1988.

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

Done at Brussels, 10 November 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION DECISION No 3599/88/ECSC

of 18 November 1988

imposing definitive anti-dumping duties on imports of certain iron or steel sections originating in Yugoslavia and Turkey, definitively collecting the provisional anti-dumping duties imposed on those imports, accepting undertakings given in connection with imports of iron or steel sections originating in Yugoslavia and Turkey and terminating the investigation with regard to the exporters concerned

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2424/88/ECSC of 29 July 1988 on protection against dumped or subsidized imports from countries not members of the European Coal and Steel Community⁽¹⁾, and in particular Articles 10 and 12 thereof,

After consultations within the Advisory Committee as provided for under the above Decision,

Whereas :

A. Provisional measures

- (1) The Commission, by Decision No 2158/88/ECSC⁽²⁾ imposed provisional anti-dumping duties on imports of certain iron or steel sections originating in Yugoslavia and Turkey.

B. Subsequent procedure

- (2) Following the imposition of the provisional anti-dumping duties certain Turkish and Yugoslav exporters requested and were granted an opportunity to be heard by the Commission and made submissions expressing their views on the provisional duties imposed.

C. Dumping

- (3) With regard to certain export transactions carried out by the Turkish exporter/producer İZDAŞ/İDÇ which had been included in the dumping calculations by the Commission it was shown that the shipments concerned had not been directed to the Community. The Commission revised its dumping calculation accordingly. On this basis the dumping margin for İZDAŞ/İDÇ is definitively determined at 35,5 %.
- (4) No new evidence on dumping has been received since the imposition of the provisional duties in

respect of other imports originating in Turkey and Yugoslavia. The Commission therefore considers its findings on dumping with regard to Yugoslavia and another Turkish exporter which has cooperated, ÇEMTAŞ, as set out in Decision No 2158/88/ECSC to be definitive.

D. Injury

- (5) With regard to injury it was claimed on behalf of the Turkish producers/exporters that in view of particular circumstances concerning the imports originating in Turkey cumulation with imports originating in Yugoslavia was not warranted and that imports of iron or steel sections from Turkey taken in isolation could not have caused injury to the Community industry.
- (6) As the Commission has not received evidence which could justify isolating the impact of the dumped imports originating in Turkey on the Community industry from those originating in Yugoslavia with regard to quality, distribution channels, final utilization and prices on the Community market it is considered that the dumped imports originating in Turkey are normally competing with the like products imported from Yugoslavia, other third countries and the Community production. The Commission therefore concludes that the dumped imports originating in Turkey have contributed significantly to the injury caused to the Community industry and that in order to assess the total impact on the Community industry cumulation with imports from Yugoslavia is justified.
- (7) It was further submitted on behalf of a Turkish exporter that the volume and prices of imports originating in other third countries, in particular state trading countries not covered by the proceeding have also significantly contributed to the injury caused to the Community industry and should have been included in the processing in order to avoid discrimination.
- (8) The information available to the Commission shows that imports of iron or steel sections originating in state trading countries have also

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 18.

⁽²⁾ OJ No L 190, 21. 7. 1988, p. 5.

increased significantly by 72 000 tonnes between 1985 and 1986. The Commission had to take into account however, that about 80 % of these imports were originating in State trading countries with which the Community has concluded bilateral steel arrangements and that the increase in the volume of these imports was mainly due to the fact that certain countries have made fuller use in 1986 of the quotas agreed with the Community. The Commission is also satisfied that total imports of iron and steel sections originating in countries benefiting from bilateral steel arrangements with the Community did not exceed the quantities agreed and were in fact 8 % below the volume reached in 1982.

- (9) In addition, with regard to the prices at which these imports were offered for sale in the Community, the Commission, in the framework of the surveillance system for steel imports from third countries, has not received any significant complaints that the price rules in the Community have not been observed. There is no evidence therefore that the imports from the State trading countries have caused injury.
- (10) The Commission therefore concludes that the imports under consideration have been a cause of injury suffered by the Community industry and confirms its findings on injury as set out in Decision No 2158/88/ECSC.

E. Community interest

- (11) No observations were received from any user of iron or steel sections imported from Yugoslavia and Turkey and subject to provisional anti-dumping duties within the time limit laid down in Article 2 of Decision No 2158/88/ECSC.
- (12) The Commission, therefore, confirms its conclusion that it is in the Community's interest that action be taken. Under these circumstances, protection of the Community's interest calls for the imposition of definitive anti-dumping duties on imports of certain iron or steel section, originating in Yugoslavia and Turkey.

F. Undertakings

- (13) Some exporters/producers of the Turkish products and an exporter/producer of the Yugoslav product having been informed that the main findings of the preliminary investigation would be confirmed, offered undertakings concerning their exports of certain iron or steel sections to the Community.
- (14) The effect of these undertakings will be to increase the export price of the products concerned to the

Community to an extent sufficient to eliminate the injury caused to the Community industry. The Commission therefore, after consultation, considers the undertakings offered acceptable and that the investigation may be terminated without imposition of definitive duties in respect of these imports.

G. Rate of definitive duty

- (15) In the light of the above determination, the amounts of the definitive anti-dumping duty should be the same as the amounts of the provisional anti-dumping duty.

H. Collection of provisional duty

- (16) In view of the importance of the dumping margins found and the seriousness of the injury caused to Community producers, it is considered necessary that amounts secured by way of provisional anti-dumping duty should be collected in full,

HAS ADOPTED THIS DECISION :

Article 1

The undertakings given by :

- İzmir Demir ve Elik Sonayi AŞ, İzmir,
- İZDAŞ Diş Ticaret AŞ, İstanbul,
- ÇEMTAŞ Celik Makina Sanagi ve Ticaret AŞ, Bursa, Turkey,
- RMK Zenica, Zenica, Yugoslavia

are hereby accepted and the investigation with regard to these companies is terminated.

Article 2

1. A definitive anti-dumping duty is hereby imposed on imports of U or I sections of a height of 80 mm or more and blanks therefor containing by weight less than 0,6 % of carbon, corresponding to CN codes ex 7207 19 31, ex 7207 20 71, ex 7216 31 00 and ex 7216 32 00 originating in Yugoslavia or Turkey.

2. The amount of the duty shall be for iron and steel sections originating in :

- Yugoslavia : ECU 39 per tonne,
- Turkey : ECU 30 per tonne.

3. Notwithstanding paragraph 2, the duty shall not apply for the products concerned :

- produced by İzmir Demirne Çelik Sanayi, AŞ, Izmir, Turkey and exported by İZDAŞ Disticaret AŞ, Istanbul, Turkey
- produced and exported by ÇEMTAŞ Çelik Makina Sanayi ve Ticaret AŞ, Bursa, Turkey.
- produced and exported by RMK Zenica, Zenica, Yugoslavia.

4. The provisions in force concerning customs duties shall apply.

Article 3

The amounts secured by way of provisional anti-dumping duty pursuant to Decision No 2158/88/ECSC shall be definitively collected in full.

Article 4

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

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

Done at Brussels, 18 November 1988.

For the Commission

Willy DE CLERCQ

Member of the Commission

COMMISSION REGULATION (EEC) No 3820/88

of 7 December 1988

introducing a countervailing charge and suspending the preferential customs duty on imports of fresh lemons originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1386/88 of 20 May 1988 fixing the reference price for fresh lemons for the 1988/89 marketing year⁽³⁾ fixed the reference price for products of class I for the month of December 1988 at 47,15 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative price or the arithmetic mean of the lowest prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into

consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for fresh lemons originating in Turkey, the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

Whereas, in Article 1 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁶⁾, as amended by Regulation (EEC) No 1555/84⁽⁷⁾, a rate of customs duty of 4 % should be reintroduced.

Whereas if the system is to operate normally the entry price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

1. A countervailing charge of 2,68 ECU per 100 kilograms net is applied on imports of fresh lemons falling within CN code ex 0805 30 10 originating in Turkey.
2. The import duty on these products is fixed at 4 %.

Article 2

This Regulation shall enter into force on 9 December 1988.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.
⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.
⁽³⁾ OJ No L 284, 19. 10. 1988, p. 20.
⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.
⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 3.
⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.
⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 7 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

COMMISSION REGULATION (EEC) No 3852/88
of 12 December 1988
amending Regulation (EEC) No 1767/82 as regards imports of certain cheeses
from Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organization of the market
in milk and milk products⁽¹⁾, as last amended by
Regulation (EEC) No 1109/88⁽²⁾, and in particular Article
14 (7) thereof,

Whereas the Commission has granted Turkey, as from 1
July 1972, the unilateral concession concerning the
import arrangements for cheeses of sheep's milk or
buffalo milk in sheepskin or goatskin bottles; whereas the
conditions of this concession should be extended to a
cheese known as 'Tulum Peyniri' as defined in CN code
ex 0406 90 89;

Whereas Commission Regulation (EEC) No 1767/82 of 1
July 1982 laying down detailed rules for applying specific
import levies on certain milk products⁽³⁾, as last amended
by Regulation (EEC) No 611/88⁽⁴⁾, should therefore be
amended accordingly;

Whereas the measures provided for in this Regulation are
in accordance with the opinion of the Management
Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, III and IV to Regulation (EEC) No 1767/82
are hereby amended as set out in the Annex hereto.

Article 2

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

It shall apply with effect from 1 January 1989.

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

Done at Brussels, 12 December 1988.

For the Commission
Frans ANDRIESEN
Vice-President

(1) OJ No L 148, 28. 6. 1968, p. 13.
(2) OJ No L 110, 29. 4. 1988, p. 27.
(3) OJ No L 196, 5. 7. 1982, p. 1.
(4) OJ No L 60, 5. 3. 1988, p. 19.

ANNEX

1. In Annex I, the following point '(u)' is added :

'(u) ex 0406 90 89	"Tulum Peyniri", made from sheep's milk or buffalo milk, in individual plastic packagings of a capacity not exceeding 10 kg	Turkey	65,61'
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2. In Annex III, point L is replaced by the following :

- 'L. As regards cheeses of sheep's milk or buffalo milk in containers containing brine, or in sheepskin or goatskin bottles and "Tulum Peyniri" cheese, as listed under (p) and (u) in Annex I and falling within CN code 0406 90 31, 0406 90 50 and ex 0406 90 89 :
1. Box 7 by specifying, as appropriate, "cheese of sheep's milk" or "cheese of buffalo milk" and "in containers containing brine" or "in sheepskin or goatskin in bottles";
 2. Box 10 by specifying, as appropriate, "exclusively home-produced sheep's milk" or "exclusively home-produced buffalo milk";
 3. Boxes 11 and 12.'
3. In Annex IV, under Turkey in the column 'Third country', the following is added in the columns 'CN code' and 'Description of goods' :

'ex 0406 90 89	"Tulum Peyniri"
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**COMMISSION REGULATION (EEC) No 3898/88
of 14 December 1988**

**amending Regulation (EEC) No 3820/88 introducing a countervailing charge on
fresh lemons originating in Turkey**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European
Economic Community,

Having regard to the Act of Accession of Spain and
Portugal,

Having regard to Council Regulation (EEC) No 1035/72
of 18 May 1972 on the common organization of the
market in fruit and vegetables ⁽¹⁾, as last amended by
Regulation (EEC) No 2238/88 ⁽²⁾, and in particular the
second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 3820/88 ⁽³⁾
introduced a countervailing charge on fresh lemons ori-
ginating in Turkey;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72
laid down the conditions under which a charge intro-

duced in application of Article 25 of that Regulation is
amended; whereas if those conditions are taken into
consideration, the countervailing charge on the import of
fresh lemons originating in Turkey must be altered,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EEC) No 3820/88 '2,68' ECU
is hereby replaced by '4,02' ECU.

Article 2

This Regulation shall enter into force on 15 December
1988.

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

Done at Brussels, 14 December 1988.

For the Commission
Frans ANDRIESEN
Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.
⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.
⁽³⁾ OJ No L 337, 8. 12. 1988, p. 20.

COUNCIL REGULATION (EEC) No 3905/88

of 12 December 1988

imposing a definitive anti-dumping duty on imports of polyester yarn originating in Mexico, South Korea, Taiwan and Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having informed the EEC-Turkey Association Council pursuant to Article 47 (2) of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey⁽²⁾, and in the absence of a decision by the said Association Council,

Having regard to the proposal from the Commission, submitted after consultations within the Advisory Committee set up under Regulation (EEC) No 2423/88,

Whereas :

A. PROVISIONAL MEASURES

- (1) Under Regulation (EEC) No 1695/88⁽³⁾, as amended by Regulation (EEC) No 2871/88⁽⁴⁾, the Commission imposed a provisional anti-dumping duty on imports of partially oriented polyester yarn (POY) and textured polyester yarn (PTY) originating in Mexico, South Korea, Taiwan and Turkey. POY is a feeder yarn used in the main for the production of PTY which, in turn, is used to produce fabrics of polyester or of cotton and polyester. The duty was extended for a period not exceeding two months by Regulation (EEC) No 3171/88⁽⁵⁾.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of the provisional anti-dumping duty, Community producers and a number of exporters of the product in question applied to be heard by the Commission and hearings were granted.

Community producers and some exporters also expressed their views on the Regulation imposing the provisional duty in writing.

Certain exporters asked the Commission to inform them of the main facts and consideration on the basis of which the Commission proposed to recommend definitive measures. The Commission complied with these requests.

C. DUMPING

1. Normal value

(a) *Korea, Taiwan and Mexico*

- (3) In general, normal value was calculated definitively by the method used for the provisional calculation of the value, namely on the basis of the domestic prices charged by the producers which exported to the Community and had supplied sufficient information. It was established on a monthly basis and by type of product.

During the months, where there were no sales on the internal market of a certain type of exported product, the weighted average of domestic sales for the other months was used.

Where there were no domestic sales of a type of product exported to the Community, or where, if they existed, they were insufficient, the internal market price of the most similar type of product or alternatively the constructed value was used. Where a substantial volume of domestic sales of a given type of product was made at a loss, constructed value was used as normal value. Constructed value was calculated by adding together the cost of production and a reasonable profit margin established on the basis of the profits made on the domestic sales of the product concerned, POY or PTY, or on total sales of polyester yarn by the exporting company concerned.

In the case of one Korean exporter and some Mexican exporters, normal value was established, at their request, on the basis of domestic prices net of all discounts and rebates directly linked to the sales under consideration, pursuant to Article 2 (3) (a) of Regulation (EEC) No 2423/88, after evidence, deemed to be convincing, had been adduced.

(1) OJ No L 209, 2. 8. 1988, p. 1.
(2) OJ No L 293, 29. 12. 1972, p. 3.
(3) OJ No L 151, 17. 6. 1988, p. 39.
(4) OJ No L 257, 17. 9. 1988, p. 24.
(5) OJ No L 282, 15. 10. 1988, p. 28.

Also accepted was the request of a Taiwanese exporter that the constructed value be established on the basis of the profit margin on POY sales alone rather than all PTY sales, a margin determined with reference to another exporter in this case.

(b) *Turkey*

- (4) Normal value was calculated definitively using the method set out in the first and second paragraphs of recital 3 of this Regulation.

However, in the case of POY, the normal value of which had been calculated on the basis of the constructed value, one exporter challenged the amount of the profit margin established in respect of the profits made on all polyester yarn sales, arguing that the only acceptable margin was that calculated in respect of profits on POY sales. Since the Commission was unable to find a profit margin relating only to POY in the accounts of any of the Turkish companies involved in the proceeding, the Council agreed with the Commission that the method used to calculate the provisional measures should stand.

2. Export prices

- (5) In general, export prices were established on the basis of the prices actually paid or payable for products sold for export to the Community.

Where products were exported through subsidiaries established in the Community, export prices were calculated on the basis of the price at which they were resold to the first independent buyer, duly adjusted to take account of all costs incurred between import and resale, including, where appropriate, transport, insurance and customs duties and a margin considered reasonable to cover general expenses and profit, given the profit margins of independent importers of the product in question.

Adjustments were made to the exchange rates for prices of exports to the Community effected by Taiwanese exporters, the evidence submitted having been found satisfactory.

An adjustment was made to the exchange rate used to calculate the export price of a Mexican producer

in response to a request accompanied by sufficient supporting evidence.

3. Comparison

- (6) The normal monthly value for each type of product was generally compared, transaction by transaction, with the export prices of the corresponding type of product at the ex works stage. Any adjustments provisionally allowed according to the circumstances to take account of differences directly affecting price comparability pursuant to Article 2 (10) (c) and (d) of Regulation (EEC) No 2423/88 were maintained on the terms set out in recitals 10, 14, 18 and 22 of Regulation 1695/88.

(a) *Korea*

- (7) One exporter's renewed request concerning differences in selling conditions, based on Article 2 (10) (c) (v) of Regulation (EEC) No 2423/88, was not supported by sufficient evidence as to their direct link with the sales in question, and was thus rejected.

(b) *Mexico*

- (8) An adjustment to take account of credit costs pursuant to Article 2 (10) (c) (iii) of Regulation (EEC) No 2423/88, has been taken into consideration following a request accompanied by supporting evidence judged to be satisfactory.

In the case of one Mexican exporter, to whom an adjustment to the export prices had been accorded in respect of 'bank charges' for the provisional calculation of the dumping margin, additional information showing that these expenses were not in fact bank charges led the Commission to reconsider the adjustment.

Requests for additional adjustments in respect of commissions paid to salesmen and of certain credit and domestic freight costs were also refused on the grounds that the evidence adduced was either in flagrant contradiction with the findings of the investigation, or insufficient.

(c) *Taiwan*

- (9) A further request was made for adjustment in respect of hedging of exchange rates but no new arguments were brought forward. The Council therefore agrees with the Commission's conclusions rejecting this request in the third paragraph of recital 18 of Regulation (EEC) No 1695/88.

(d) *Turkey*

- (10) A renewed request from one exporter for an adjustment in respect of the refinancing by international banks of sums owing to him abroad, when he had already been accorded adjustments in respect of credit costs for export sales, was not accepted. The request, made under Article 2 (10) (c) (iii) of Regulation (EEC) No 2423/88, was rejected on the grounds that the Article did not provide for adjustment on such grounds.

Nor was any adjustment accorded pursuant to Article 2 (10) (b) of Regulation (EEC) No 2423/88 concerning the refunding of import charges to which a product exported to the Community is subject because the firms concerned had either made their request too late or not adduced satisfactory evidence.

4. Dumping margins

- (11) The dumping margin calculated for each exporter is equal to the difference between normal value and the price on export to the Community, duly adjusted.

The weighted average dumping margins for each of the exporters concerned, adjusted to free-at-Community-frontier prices, are as follows:

(a) *Korea*

— Kohap Ltd, Seoul	PTY	8,13 %
— Kolon Industries Inc., Seoul	PTY	5,71 %
	POY	0,02 %
— Sam Yang Co. Ltd, Seoul	PTY	3,38 %
— Tong Yang Polyester Co. Ltd, Seoul	PTY	4,09 %

(b) *Mexico*

— Celanese Mexicana SA, Mexico City	PTY	15,85 %
	POY	4,43 %
— Fibras Sinteticas SA de C.V., Mexico City	PTY	26,74 %
— Fibras Quimicas SA, Monterrey	PTY	5,79 %
— Nylon de Mexico SA, Monterrey	POY	15,80 %
— Kimex SA, Mexico City	PTY	18,72 %

(c) *Taiwan*

— Chung Shing Textile Co. Ltd, Taipei	PTY	1,67 %
— Far Eastern Textile Ltd, Taipei	PTY	6,21 %
	POY	0,09 %

— Nan Ya Plastics Corp., Taipei	PTY	4,92 %
	POY	0,52 %
— Shin Kong Synthetic Fibras Corp., Taipei	PTY	4,96 %
	POY	22,11 %
— Tuntex Distinct Corp., Taipei	PTY	0,31 %
	POY	0,00 %

(d) *Turkey*

— Nergis AS, Bursa	PTY	38,50 %
— Polylen AS, Bursa	PTY	27,60 %
— Sasa Artificial & Synthetic Fibras Inc., Adana	PTY	11,13 %
	POY	2,67 %
— Sifas Sentetik Ipic Fabrikalari AS Bursa	PTY	17,34 %
— Sönmez Filament AS, Bursa	PTY	13,18 %

D. INJURY

- (12) In Regulation (EEC) No 1695/88 the Commission described the effect of imports at dumping prices on Community industry, notably as regards volume, prices, market share and profitability. It explained that to do this, imports from the various countries involved in the proceeding had to be aggregated.

On the point it was claimed that the figures given in recital 26 of the said Regulation were not correct in that they did not indicate the use of POY in the production of PTY.

Since no data were available to identify the proportion of POY in Community production and consumption, the Commission used production and consumption figures drawn from data relating to PTY only; the data took into account the internal transfer of POY used to make PTY.

In these circumstances, and with no new evidence forthcoming, the Council upholds the findings set out in recitals 24 to 32 of Regulation (EEC) No 1695/88.

The Commission considered whether Community producers having links with Mexican exporters should be excluded when establishing injury, pursuant to Article 4 (5) of Regulation (EEC) No 2423/88.

Since the purpose of this Article is to exclude Community producers that might complain about companies with whom they have links, the Council notes that none of the Community producers import polyester yarn from the exporting

companies concerned, that the latter act as autonomous economic entities, that the volume of exports to the Community is small, that one of the Community producers has only indirect links with an exporting company and that the Community producers concerned are not protected against the unfair practices of other exporting companies.

For all of these reasons, and in view of the fact that the links between certain Community producers and exporting companies should not lead to these producers being deprived of protection against unfair practices, the Council finds that the Community producers concerned should not be excluded from the proceeding.

1. Product comparability

- (13) Exporters challenged the validity of the comparison made between the polyester yarn produced by their companies and those of Community producers, arguing that they were not similar products, notably as regards quality, that they were not used for the same purposes and that they were not interchangeable with Community products. These arguments were not accepted since the Commission believes that the requirement that a product be similar to an imported product should not be interpreted narrowly, and that only fundamental differences in quality or use are grounds for considering that a product is not similar to another.

In this case the physical characteristics of the products are very similar and the use made of lower-quality polyester yarn is not wholly different from the use made of those of supposedly better quality.

The Council therefore considers that the alleged differences in quality and use are not sufficient to justify a distinction being made between these products.

2. Causality

- (14) In recital 33 of Regulation (EEC) No 1695/88 the Commission established a causal link between the injury suffered by Community producers and the imports sold at dumping prices.

However, a number of exporters argued that their polyester yarn exports to the Community were either small or diminishing in volume, and so could not have contributed to the injury.

Under Regulation (EEC) No 2423/88 injury may still be caused even if the volume of each individual exporter is very small. This argument does not therefore justify the exclusion of these exporters from the proceeding.

In these circumstances, and in the absence of any fresh evidence in respect of the arguments set out in recital 33 of Regulation (EEC) No 1695/88, the Council confirms the findings and conclusions presented by the Commission in that recital.

E. QUANTITATIVE RESTRICTIONS AND ANTI-DUMPING MEASURES

- (15) As regards the existence of quantitative restriction on imports into Spain and Italy of polyester yarn originating in Korea, and on imports into Spain of polyester yarn originating in Taiwan, it was argued that the imposition of an anti-dumping duty on polyester yarn imports from these countries on top of the quantitative restrictions was incompatible with Article XIX of the GATT and paragraph 6 of the Fourth Multifibre Arrangement (MFA IV).

The Council finds that, contrary to what was argued, neither Community law nor international rules — notably the MFA — prohibit the imposition of anti-dumping duties, customs duties or any other measure affecting imports subject to quantitative restrictions, provided it is established that injury has been caused despite the restrictions.

As to the wisdom of applying such measures in this case, the Council notes that as far as the overall Community industry is concerned, even if the volume of polyester yarn imports of Korean and Taiwanese origin is small, the level of undercutting involved is as much as 30 % in the case of polyester yarn from Korea and 38 % in that of polyester yarn from Taiwan.

In these circumstances, the Council finds that the Community industry has been exposed to unfair competition from these countries.

The Council notes that substantial undercutting has occurred with regard to imports into Spain and Italy: up to 35 % in Italy and 41 % in Spain in the case of Korean polyester yarn, and 33 % in Spain in the case of Taiwanese polyester yarn. The quantitative restrictions introduced for these countries have therefore not protected them from unfair price competition nor prevented injury. It should also be pointed out that these countries' producers suffered serious financial losses in the reference period.

The Council therefore believes that the imposition of anti-dumping measures on imports from Korea and Taiwan is necessary.

imposed if the definitive duty is lower than the provisional duty. The balance remaining after the definitive duties have been covered shall be released,

F. COMMUNITY INTEREST

- (16) Certain importers and users have argued that the Community producers behaved as if they were members of a cartel, in so far as high prices were charged, difficulties in obtaining supplies were noted, and a certain segmentation of the Community fibres market was set up. However, no element of proof to support these arguments has been advanced which would allow the Commission to open an investigation under the Community competition rules.

In these circumstances, in view of the serious difficulties facing the Community industry concerned, the Commission concluded that it was in the Community interest to take appropriate steps to remove the injury caused to Community polyester yarn producers. These measures, which would have fairly negligible effects on the production costs of the user industry and no serious consequences for consumers, should take the form of a definitive anti-dumping duty.

The Council therefore confirms that it is in the Community interest to adopt definitive anti-dumping measures in respect of imports originating in the four exporting countries named in this proceeding.

G. DEFINITIVE DUTY

- (17) Arguments were advanced concerning the way that differences in the production of POY and PTY had been taken into account. It is confirmed that the Commission has, as far as possible, taken these differences into account, notably as regards production costs, price comparison and the calculation of the injury threshold.

The Council confirms the Commission's conclusions concerning both the method used for the establishment of the duty to be applied and the form of the duty, as described in recitals 35 and 36 of Regulation (EEC) No 1695/88.

H. COLLECTION OF THE PROVISIONAL DUTY

- (18) In view of the dumping margins recorded and the injury caused, the Council believes that the amounts secured by the provisional anti-dumping duty should be definitively collected, either in their entirety or up to the maximum duty definitively

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of non-textured, partially oriented polyester yarn (POY) falling within CN code 5402 42 00, originating in Mexico, Taiwan or Turkey.

2. The amount of the duty, calculated on the basis of the free-at-Community-frontier price of the product, not cleared through customs, shall be:

— 15,8 % for POY originating in Mexico, excluding yarn produced and sold for export to the Community by Celanese Mexicana SA, Mexico City, which shall not be subject to such a duty;

— 8,7 % for POY originating in Taiwan, excluding yarn produced and sold for export to the Community by the following firms, which shall not be subject to duty:

Far Eastern Textile Ltd, Taipei,
Nan Ya Plastics Corp., Taipei,
Tuntex Distinct Corp., Taipei;

— 2,7 % for POY originating in Turkey.

3. The provisions in force concerning customs duties shall apply.

Article 2

1. A definitive anti-dumping duty is hereby imposed on imports of textured polyester yarn (PTY) falling within CN codes 5402 33 10 and 5402 33 90, originating in Mexico, South Korea, Taiwan or Turkey.

2. The amount of the duty, calculated on the basis of the free-at-Community-frontier price of the product, not cleared through customs, shall be:

— 8,1 % for PTY originating in South Korea. The following duties shall be applicable to PTY produced and sold for export to the Community by the companies listed below:

Kohap Ltd, Seoul	8,1 %
Kolon Industries Inc., Seoul	5,7 %
Sam Yang Co. Ltd, Seoul	3,4 %
Tong Yang Polyester Co. Ltd, Seoul	4,1 %

— 26,7 % for PTY originating in Mexico. The following duties shall be applicable to PTY produced and sold for export to the Community by the companies listed below:

Celanese Mexicana SA, Mexico City	15,9 %,
Fibras Quimicas SA, Monterrey	5,8 %,
Kimex SA, Mexico City	18,7 %;

Sasa Artificial and Synthetic Fibres Inc., Adana	11,1 %,
Nergis AS, Bursa	8,6 %,
Sifas Sentetik Iplik Fabrikalari AS, Bursa	7,2 %,
Polylen AS, Bursa	7,2 %.

— 6,2 % for PTY originating in Taiwan. The following duties shall be applicable to PTY produced and sold for export to the Community by the companies listed below :

Chung Shing Textile Co. Ltd, T'aipei	1,7 %,
Nan Ya Plastics Corp., T'aipei	4,9 %,
Shinkong Synthetic Fibres Corp., T'aipei	5,0 %.

Tuntex Distinct Corp., T'aipei, shall be exempted from the duty referred to above ;

— 13,2 % for PTY originating in Turkey. The following duties shall be applicable to PTY produced and sold for export to the Community by the companies listed below :

3. The provisions in force concerning customs duties shall apply.

Article 3

The amounts secured by way of provisional anti-dumping duty under Regulation (EEC) No 1695/88 shall be definitively collected, either in their entirety or up to an amount not exceeding the rates specified in this Regulation. The balance of these secured amounts after coverage of the definitive duties shall be released.

Article 4

This Regulation shall enter into force on the 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 Brussels, 12 December 1988.

For the Council
The President
P. ROUMELIOTIS

COMMISSION REGULATION (EEC) No 3943/88

of 16 December 1988

introducing a countervailing charge and suspending the preferential customs duty on imports of apples originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Article 25 (1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least Ecu 0,6 below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1789/88 of 24 June 1988 fixing the reference price for apples for the 1988/89 marketing year⁽³⁾ fixed the reference price for products of class I for the month of December 1988 at Ecu 45,63 per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative price or the arithmetic mean of the lowest prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24 (3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24 (2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3 (1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into consid-

eration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for Turkish apples the entry price calculated in this way has remained at least Ecu 0,6 below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these apples;

Whereas, in Article 1 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁶⁾, as amended by Regulation (EEC) No 1555/84⁽⁷⁾, when the Commission introduces a countervailing charge on imports of apples in Turkey, at the same time it reintroduces for the product in question the conventional rate of customs duty; whereas, therefore, a rate of customs duty of 8 % should be reintroduced for these apples, with a minimum charge of Ecu 2,30 per 100 kilograms net;

Whereas if the system is to operate normally the entry price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last paragraph of Article 3 (1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

1. A countervailing charge of Ecu 9,97 per 100 kilograms net is applied on imports of apples (CN code 0808 10 91) originating in Turkey.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.
⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.
⁽³⁾ OJ No L 158, 25. 6. 1988, p. 18.
⁽⁴⁾ OJ No L 220, 10. 8. 1974, p. 20.
⁽⁵⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁶⁾ OJ No L 367, 23. 12. 1981, p. 3.
⁽⁷⁾ OJ No L 150, 6. 6. 1984, p. 4.
⁽⁸⁾ OJ No L 164, 24. 6. 1985, p. 1.
⁽⁹⁾ OJ No L 153, 13. 6. 1987, p. 1.

2. The rate of customs duty on imports of these products shall be 8 % with a minimum charge of Ecu 2,30 per 100 kilograms net.

Article 2

This Regulation shall enter into force on 20 December 1988.

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

Done at Brussels, 16 December 1988.

For the Commission
Frans ANDRIESEN
Vice-President

COUNCIL REGULATION (EEC) No 3946/88

of 16 December 1988

imposing a definitive anti-dumping duty on imports of synthetic fibres of polyesters originating in Mexico, Romania, Taiwan, Turkey the United States of America or Yugoslavia

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having informed the EEC-Turkey Association Council pursuant to Article 47 (2) of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey⁽²⁾, and in the absence of a decision by the said Association Council,

Having notified the EEC-Yugoslavia Cooperation Council in accordance with Articles 35 and 38 of the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia⁽³⁾,

Having regard to the proposal from the Commission, submitted after consultations within the Advisory Committee set up under the said Regulation,

Whereas :

A. PROVISIONAL MEASURES

- (1) Under Regulation (EEC) No 1696/88⁽⁴⁾, the Commission imposed a provisional anti-dumping duty on imports of synthetic fibres of polyesters originating in Mexico, Romania, Taiwan, Turkey, the United States of America or Yugoslavia. This duty was extended for a period not to exceed two months by Regulation (EEC) No 3170/88⁽⁵⁾.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of the provisional anti-dumping duty, Community producers and a number of exporters, importers and users of the product in question applied to be heard by the Commission and hearings were granted.

Community producers, most exporters and certain importers and users also expressed their views on

the Regulation imposing the provisional duty in writing.

Certain exporters and importers asked the Commission to inform them of the main facts and considerations on the basis of which the Commission proposed to recommend definitive measures. The Commission complied with these requests.

C. DUMPING

1. Normal value

I. Overall method

- (3) In the case of Mexico, Taiwan, Turkey and the United States, the normal value was calculated definitively by the method used for the provisional calculation of the value, namely on the basis of the domestic prices charged by the producers which exported to the Community and had supplied sufficient information. It was established on a monthly basis and by type of product.

During the months where there were no sales on the internal market of a certain type of exported product, the weighted average of domestic sales for the other months was used.

Where there were no substantial domestic sales of a given type of product, either the internal market price of the nearest type or alternatively the constructed value was used. Where substantial quantities of the domestic sales of a given product were made at a loss, constructed value was used as normal value. Constructed value was calculated by adding together the cost of production and a reasonable profit margin, established on the basis of the overall profits made on sales of similar products by the producer concerned.

II. The specific cases below should be noted:

(a) United States

- (4) In the case of some American dealers, constructed value was calculated definitively on the basis of the prices which the dealers actually paid the producers, plus a reasonable margin to cover their expenses and a profit margin established on the basis of their sales of similar products.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.
⁽²⁾ OJ No L 293, 29. 12. 1972, p. 3.
⁽³⁾ OJ No L 41, 14. 2. 1983, p. 1.
⁽⁴⁾ OJ No L 151, 17. 6. 1988, p. 47.
⁽⁵⁾ OJ No L 282, 15. 10. 1988, p. 27.

(b) *Mexico*

- (5) The normal value provisionally established for one exporter was adjusted at his request on the basis of domestic prices net of all discounts and rebates directly linked to the sales under consideration, pursuant to Article 2 (3) (a) of Regulation (EEC) No 2423/88, after evidence deemed to be convincing had been adduced.

(c) *Romania*

- (6) In view of the fact that Romania is not a market economy, normal value was calculated definitively from the normal value on the Turkish market.

The Romanian exporter raised objections about the choice of the Turkish market, pointing to the level of market protection, differences in production methods and higher wage costs in Turkey and, after the imposition of the provisional duty, suggested that Yugoslavia should be the reference country.

No significant differences were found between Romania and Turkey as regards the production technique, scale of production or the types of product. On the contrary, price levels and production costs in Turkey were found to be in reasonable proportion.

On wage costs, the argument could not be taken into consideration in practice since any alleged advantage is difficult to quantify and may be negated by other disadvantages. Furthermore, in market economies prices are not set solely on the basis of production costs but also take into account demand.

Lastly, the choice of the Yugoslav market was not considered appropriate in so far as Yugoslav producers do not produce black fibres, which make up a large proportion of Romanian exports to the Community.

Accordingly, the Council confirms the validity of the choice of the Turkish market.

(d) *Taiwan*

- (7) Two exporters opposed the choice of the constructed value rather than the normal value of a similar product where there were no domestic sales of the type of product exported. The constructed value was chosen in the case of one exporter because the Commission lacked sufficient information to choose a similar product. The other exporter's proposal to group sales of fibres into four main categories was not adopted because this

method would not have allowed the Commission to make a sufficiently detailed comparison.

(e) *Yugoslavia*

- (8) Normal value was determined definitively on the basis of the prices paid or payable for the product on the internal market as shown in the firm's price lists. During the previous investigation it was established that actual prices were in line with list prices.

2. Export prices

- (9) In general, export prices were established on the basis of the prices actually paid or payable for products sold for export to the Community.

Where products were exported through subsidiaries established in the Community, export prices were calculated on the basis of the price at which they were resold to the first independent buyer, duly adjusted to take account of all costs incurred between import and resale, including, where appropriate, transport, insurance and custom duties, and a margin considered reasonable to cover general expenses and profit, given the profit margins of independent importers of the product in question.

The Taiwanese exporters' request for adjustment of the exchange rates for prices of exports to the Community was accepted, the evidence presented having been found satisfactory.

3. Comparison

- (10) The normal monthly value for each type of product was generally compared, transaction by transaction, with the export prices of the corresponding type of product at the ex works stage.

Any adjustments provisionally allowed according to the circumstances to take account of differences directly affecting price comparability were maintained.

The following specific cases should be noted:

(a) *United States*

- (11) Certain requests for adjustment concerning transport pursuant to Article 2 (10) (c) (i) of Regulation (EEC) No 2423/88 were taken into consideration, convincing supporting evidence having been submitted. In the case of one dealer, an adjustment was made in connection with the commissions paid in respect of the sales under consideration, pursuant to Article 2 (10) (c) (v) of the said Regulation.

(b) *Mexico and Yugoslavia*

- (12) Adjustments to take account of credit costs, pursuant to Article 2 (10) (c) (iii) of Regulation (EEC) No 2423/88, were reconsidered following requests accompanied by sufficient supporting evidence.

(c) *Taiwan*

- (13) A further request was made for adjustment in respect of hedging of exchange rates but no new arguments were brought forward. The Council therefore confirms the Commission's conclusions rejecting this request in recital 17 of Regulation (EEC) No 1696/88.

(d) *Turkey*

- (14) An adjustment to take account of credit costs, pursuant to Article 2 (10) (c) (iii) of Regulation (EEC) No 2423/88, was reconsidered following requests accompanied by sufficient supporting evidence.

However, a renewed request from one exporter for an adjustment in respect of the refinancing by international banks of sums owing to him abroad, when he had already been accorded adjustments in respect of credit costs for export sales, was not accepted. The request, made under Article 2 (10) (c) (iii) of Regulation (EEC) No 2423/88 was rejected on the grounds that the Article did not provide for adjustment on such grounds.

4. Dumping margins

- (15) The dumping margin calculated for each exporter is equal to the difference between normal value and the price on export to the Community, duly adjusted.

The weighted average dumping margins for each of the exporters concerned, adjusted to free-at-Community-frontier prices, are as follows:

United States of America

Producers

— BASF Corp., Williamsburg	23,1 %
— E.I. Du Pont de Nemours & Co., Wilmington	0 %
— Eastman Chemical Products Inc., Kingsport	9,9 %
— Celanese Fibers Inc., Charlotte	9,2 %

Dealers

— William Barnet and Son Inc., Arcadia	6,2 %
— Consolidated Textiles, Charlotte	0 %
— Leigh Fibers Inc., Spartanburg	5,4 %
— RSM Co., Charlotte	2,5 %
— Titan Textile Co. Inc., Paterson	4,5 %

The dumping margin provisionally established for the R & M International Sales Co., Philadelphia, was not maintained since it had been calculated on

the basis of exports of fibres of Mexican origin not originating in the United States.

Mexico

— Celanese Mexicana SA, Mexico City	22,1 %
— Crisol Textil SA de CV, Mexico City	10,7 %
— Fibras Sinteticas SA de CV, Mexico City	15,0 %
— Kimex SA, Mexico City	9,5 %

Romania

— Ice Danubiana, Bucharest	23,4 %
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Taiwan

— Chung Shing Textile Co. Ltd, Taipei	15,8 %
— Far Eastern Textile Ltd, Taipei	5,1 %
— Nan Ya Plastics Corp., Taipei	6,3 %
— Shinkong Synthetic Fibres Corp., Taipei	9,2 %

Turkey

— Sasa Artificial & Synthetic Fibres Inc., Adana	6,8 %
— Sönmez Filament, Bursa	11,9 %

Yugoslavia

— Ohis Commerce, Skopje	18,7 %
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For the exporters listed below which failed to cooperate satisfactorily with the Commission investigation, the definitive dumping margin was determined on the basis of available information. The Commission considered the results of its investigation to be the most appropriate basis for determining the dumping margin and that the fixing of a margin lower than the highest margin determined for an exporter which cooperated with the investigation would reward failure to cooperate and make it possible to evade duty. It accordingly applied the highest margin determined to the following exporters:

— Tuntex Distinct Corp., Taiwan	15,8 %
— Vartilen, Yugoslavia	18,7 %

In the case of Tuntex, the evidence submitted after the imposition of provisional measures in respect of exports effected during the reference period was not considered sufficiently detailed or supported for carrying out a proper calculation.

D. INJURY

- (16) Since no new evidence concerning recitals 19 to 25 of Regulation (EEC) No 1696/88 was forthcoming, the Council confirms the findings presented in the said recitals.

The Commission considered whether Community producers having links with United States exporters should be excluded when establishing injury, pursuant to Article 4 (5) of Regulation (EEC) No 2423/88.

Since the purpose of this Article is to exclude Community producers that might complain about companies with whom they have links, the Council notes that exporting companies concerned act as autonomous economic entities, that the volume of exports to the Community is small and that the Community producers concerned are not protected against the unfair practices of other exporting companies.

For all of these reasons, and in view of the fact that the links between certain Community producers and exporting companies should not lead to these producers being deprived of protection against unfair practices, the Council finds that the Community producers concerned should not be excluded from the proceeding.

1. Product comparability

- (17) Exporters challenged the validity of the comparison made between the polyester fibres produced by their companies and those of Community producers, arguing that they were not similar products, that they were not used for the same purposes and that they were not interchangeable with Community products or that they were not produced in the Community. These arguments were not accepted since the Commission believes that the requirement that a product be similar to an imported product should not be interpreted narrowly, and that only differences in quality or basic use are grounds for considering that a product is not similar to another.

In this case the physical characteristics of the products are very similar and the use made of lower-quality polyester fibres is not significantly different from the use made of those of supposedly better quality.

The Council therefore considers that the alleged differences in quality and use are not sufficient to justify a distinction being made between these products.

It was also alleged that the Community producers made mainly branded fibres, which the imports in question were not, and that in these circumstances the imports could not be considered to be similar products. The Council considers that branded and non-branded products have the same physical characteristics and uses and thus finds that they are similar products.

2. Causality and other factors

- (18) In recitals 27 and 28 of Regulation (EEC) No 1696/88 the Commission established a causal link between the injury suffered by Community producers and the imports sold at dumping prices.

However, a number of exporters argued that their polyester fibre exports to the Community were either small or diminishing in volume, and so could not have contributed to the injury.

Under Regulation (EEC) No 2423/88 may injury still be caused even if the volume of each individual exporter is very small. This argument does not therefore justify the exclusion of these exporters from the proceeding.

A number of exporters, importers and users claimed that the difficulties encountered by Community producers were caused not by the growth in the volume of imports but by the chronic crisis in the industry.

It is true that the Community industry has suffered a crisis. To overcome it, Community producers have taken a number of restructuring measures that have improved their performance considerably. But the Community industry's return to profitability was jeopardized in the reference period by the growth in dumped imports. This had a negative effect on the performance of Community producers, as explained in recital 24 of Regulation (EEC) No 1696/88.

In these circumstances, even if there were other reasons for the precarious state of the industry in question, the Council considers that the effects of imports at dumping prices, taken in isolation, have caused serious injury.

The Council confirms therefore that the difficulties encountered by the Community industry for reasons other than dumping do not constitute grounds for depriving the Community industry of all protection against injury from dumping.

In these circumstances, and in the absence of any fresh evidence in respect of the arguments set out in recitals 27 and 28 of Regulation (EEC) No 1696/88, the Council confirms the findings and conclusions presented by the Commission in these recitals.

E. QUANTITATIVE RESTRICTIONS AND ANTI-DUMPING MEASURES

- (19) As regards the existence of quantitative restrictions on imports into the Benelux countries and Italy of polyester fibres originating in Romania, it was suggested that the imposition of an anti-dumping duty on imports of polyester fibres originating in Romania on top of these quantitative restrictions could not be justified legally.

The Council finds that, contrary to what was argued, neither Community law nor international rules — notably the MFA, prohibit the imposition of anti-dumping duties, customs duties or any other measure affecting imports subject to quantitative restrictions, provided it is established that injury has been caused despite the restrictions.

As to the wisdom of applying such measures in this case, the Council notes that the quantitative restrictions cover only four Member States, namely the Benelux countries and Italy, and that all imports into these countries are prohibited. It also notes that over 80 % of Romanian polyester fibre imports go to Germany, a country not protected by quantitative restrictions, and that in that country as in other Member States price undercutting of up to 38 % has been recorded.

The quantitative restrictions in respect of the Benelux countries and Italy do not therefore constitute adequate protection against the unfair practices of the Romanian exporter and do not counterbalance the injury suffered by the greater part of the Community industry. In any case, the Benelux countries and Italy will not be affected by the anti-dumping duty.

The Council therefore believes that the imposition of anti-dumping measures on imports from Romania is necessary.

F. COMMUNITY INTEREST

- (20) Some exporters, importers and users claimed that it was not in the Community's interest to impose anti-dumping measures and advanced the following arguments:

1. Supply problems

- (21) It was argued that when imports became more expensive following the imposition of provisional anti-dumping measures, the Community producers were not able or ready to meet increased demand from the processing industry and users.

In reply, Community producers told the Commission that while there had indeed been some supply problems, they had been temporary and indeed limited to the months of June and July 1988 and the result of circumstantial factors, not their incapacity to meet demand; they had much under-used capacity that would enable them to

meet any demand within the usual commercial time limits.

In this respect, the Commission notes that, during the investigation period, the production capacity of the Community producers has reached a level of 79 %. As a result of this finding it appears that Community producers are able to boost their production to around 70 000 tonnes (without exceeding a 95 % level of capacity), corresponding more or less to the total volume of imports concerned in 1987.

In spite of this, certain fiberfill processors representing *circa* 20 % of the consumption of synthetic fibres of polyesters in the Community, informed the Commission that several Community producers were not in a position, during the last six months of 1988, to meet their needs. Since confidential treatment of information supplied to the Commission was requested by these companies, under Article 8 of Regulation (EEC) No 2423/88, the Commission was unable to check whether this information was correct with the parties directly concerned. However, the plaintiff has given assurances to the Commission that the Community industry did have the necessary capacity to satisfy the increasing demand for deliveries both of fiberfill and of certain specially dyed yarns. Moreover, the Commission learnt that one of the major Community producers was in the process of increasing its production capacity by 18 000 tonnes.

In these circumstances, the Commission considers that Community producers do have the necessary capacity to meet an increased demand for fibres.

2. The high prices charged by Community producers

- (22) Importers and users claimed that Community producers had taken advantage of the higher import prices resulting from the anti-dumping measures to raise their prices substantially. As a result, supplies could not be obtained on terms suitable for facing international competition. On this point the Council notes that the rise in prices attributed to the imposition of provisional anti-dumping measures has in fact had little impact on the increase in the actual prices of the fibre. This increase is due mainly to the worldwide rise in the price of raw materials used to make the fibre, notably glycol and paraxylene, which is affecting all fibre producers.

Furthermore, the price advantage which certain users enjoyed previously was derived from unfair practices and they have no permanent right to retain this advantage.

3. Existence of a cartel of Community producers

- (23) Certain importers and users have argued that the Community producers behaved as if they were members of a cartel, in so far as high prices were charged, difficulties in obtaining supplies were noted, and a certain segmentation of the Community fibres market was set up. However, no element of proof to support these arguments has been advanced which would allow the Commission to open an investigation under the Community competition rules.

4. Conclusion

- (24) The Commission, after having assessed all these factors, has concluded that it was in the Community's interest to take definitive anti-dumping measures in respect of imports of fibres originating in the exporting countries involved in this proceeding. These measures which would have a limited effect on the production costs of the user industry and be without any significant consequence for consumers, should take the form of a definitive anti-dumping duty. The Council confirms these conclusions.

G. DEFINITIVE DUTY

- (25) The Council confirms the Commission's conclusions concerning both the method used for the establishment of the duty to be applied and the form of the duty, as described in recitals 30 and 31 of Regulation (EEC) No 1696/88. The Council also confirms the grounds, mentioned in the said recital 30, by virtue of which there is no reason to apply any duty to producers in the United States of America.
- (26) With regard to fiberfill, taking into account recent difficulties, raised by certain users of this type of fibre, the Council considers that the question should be examined of whether a review of the measures concerning fiberfill would be appropriate. To that end, the Commission will carry out a further investigation into the allegations of the existence of shortages, made by the said users. In these circumstances, the Council considers that, in the case in point, the application of the definitive anti-dumping duty should be suspended for fiberfill for a period of five months as from the

entry into force of this Regulation, working on the supposition that a review might lead to different findings.

H. COLLECTION OF THE PROVISIONAL DUTY

- (27) In view of the dumping margins recorded and the injury caused, the Council believes that the amounts secured by the provisional anti-dumping duty should be definitively collected, either in their entirety or up to the maximum duty definitively imposed if the definitive duty is lower than the provisional duty. The balance remaining after the definitive duties have been covered should be released. With regard to fiberfill, the amounts secured by way of the provisional anti-dumping duty should be released.

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of synthetic polyester fibres falling within CN code 5503 20 00 originating in Mexico, Romania, Taiwan, Turkey, the United States of America or Yugoslavia.

2. The amount of the duty, calculated on the basis of the free-at-Community-frontier price of the product, not cleared through customs, shall be :

— 6,2 % for polyester fibres originating in the United States of America, excluding those produced and sold for export to the Community by the following companies, which shall not be subject to such a duty :

- BASF Corp., Williamsburg,
- Consolidated Textiles, Charlotte,
- E.I. Du Pont de Nemours and Co., Wilmington,
- Eastman Chemical Products Inc., Kingsport,
- Celanese Fibers Inc., Charlotte,
- Hoechst Celanese Inc., Charlotte,
- Fibers Industry Inc., Charlotte ;

— the following duties shall be applicable to fibres produced and sold for export to the Community by the companies listed below :

- Leigh Fibers Inc., Spartanburg 5,4 %,
- RSM Co., Charlotte 2,5 %,
- Titan Textile Co. Inc., Paterson 4,5 % ;

— 22,1 % for polyester fibres originating in Mexico, but as follows for such fibres produced and sold for export to the Community by the companies listed below :

- Fibras Sinteticas SA de CV, Mexico City 15,0 %,
- Crisol Textil SA de CV, Mexico City 10,7 %,
- Kimex SA, Mexico City 9,5 % ;

- 23,4 % for polyester fibres originating in Romania ;
- 15,8 % for polyester fibres originating in Taiwan, but as follows for such fibres produced and sold for export to the Community by the companies listed below :
 - Far Eastern Textile Ltd, Taipei 5,1 %
 - Nan Ya Plastics Corp., Taipei 6,3 %
 - Shinkong Synthetic Fibres Corp., Taipei 9,2 % ;
- 11,9 % for polyester fibres originating in Turkey, but as follows for polyester fibres produced and sold for export to the Community by the company listed below :
 - Sasa Artificial & Synthetic Fibres Inc., Adana 6,8 % ;
- 18,7 % for polyester fibres originating in Yugoslavia.

3. The definitive anti-dumping duty imposed by Article 1 (1) shall be suspended for a period of five months as from the date of entry into force of this Regulation with regard to fiberfill. This suspension shall only apply where there is an express mention on the necessary import documents of the term fiberfill and of the technical specifications mentioned hereinafter. In the event of a review procedure being opened by the Commission before the end of that period, the suspension of the said duty shall continue to apply for the time necessary to complete the review.

This suspension applies to synthetic textile fibres of polyesters for padding and quilting in bedclothes,

furnishings, clothing, whether or not crimped, falling within CN code 5503 20 00, the technical specifications of which are as follows :

- decitex equal to or greater than 3,3,
- length equal to or greater than 38 mm.

Checking the use of the abovementioned fibres shall be carried out in accordance with the relevant provisions, and in particular of Regulation (EEC) No 4142/87 (1).

4. The provisions in force concerning customs duties shall apply.

5. The amounts secured by way of the provisional anti-dumping duty under Regulation (EEC) No 1696/88 shall be definitively collected, either in their entirety or up to an amount not exceeding the rates specified in this Regulation. The balance of these secured amounts after coverage of the definitive duties shall be released. With regard to fiberfill, the amounts secured by way of the provisional anti-dumping duty shall be released.

Article 2

This Regulation shall enter into force on the day following that of 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 Brussels, 16 December 1988.

For the Council

The President

G. GENNIMATAS

(1) OJ No L 387, 31. 12. 1987, p. 81.

COMMISSION REGULATION (EEC) No 3977/88
of 20 December 1988

abolishing the countervailing charge and re-establishing a preferential customs duty on imports of fresh lemons originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 3820/88⁽³⁾, as amended by Regulation (EEC) No 3898/88⁽⁴⁾, introduced a countervailing charge on fresh lemons originating in Turkey and suspended the preferential customs duty on imports of these products;

Whereas the present trend of prices for these products on the representative markets referred to in Commission Regulation (EEC) No 2118/74⁽⁵⁾, as last amended by Regulation (EEC) No 3811/85⁽⁶⁾, recorded or calculated in accordance with the provisions of Article 5 of that Regulation, indicates that the application of the first subparagraph of Article 26 (1) of Regulation (EEC) No 1035/72 would result in the countervailing charge being

fixed at zero; whereas the conditions specified in the second indent of Article 26 (1) of Regulation (EEC) No 1035/72 are therefore fulfilled and the countervailing charge on imports of these products originating in Turkey;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁷⁾, as amended by Regulation (EEC) No 1555/84⁽⁸⁾, the preferential rate of customs duty should be re-established at the same time as the countervailing charge is abolished,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3820/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 21 December 1988.

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

Done at Brussels, 20 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 337, 8. 12. 1988, p. 20.

⁽⁴⁾ OJ No L 346, 15. 12. 1988, p. 43.

⁽⁵⁾ OJ No L 220, 10. 8. 1974, p. 20.

⁽⁶⁾ OJ No L 368, 31. 12. 1985, p. 1.

⁽⁷⁾ OJ No L 367, 23. 12. 1981, p. 9.

⁽⁸⁾ OJ No L 150, 6. 6. 1984, p. 4.

COUNCIL REGULATION (EEC) No 4016/88

of 21 December 1988

amending Regulation (EEC) No 1180/77 on imports into the Community of certain agricultural products originating in Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Whereas the Contracting Parties have agreed, by an exchange of letters, to fix the additional amount in question at 10,88 ECU per 100 kilograms for the period 1 November 1987 to 31 December 1990;

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Whereas Article 9 of Regulation (EEC) No 1180/77 should accordingly be amended,

Having regard to the proposal from the Commission,

HAS ADOPTED THIS REGULATION:

Whereas Annex IV to Council Decision No 1/77 of the EEC-Turkey Association Council of 17 May 1977 on new concessions for imports of Turkish agricultural products into the Community stipulates that the additional amount, if any, to be deducted from the levy on imports into the Community of untreated olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 and originating in Turkey, is to be fixed for each year of application by an Exchange of Letters between the Community and Turkey;

Article 1

Article 9 (1) (b) of Regulation (EEC) no 1180/77 is hereby replaced by the following:

'(b) an amount equal to the special export charge imposed by Turkey on such oil within a limit of 10,88 ECU per 100 kilograms, that amount being increased from 1 November 1987 to 31 December 1990 by 10,88 ECU per 100 kilograms'.

Article 2

Whereas Regulation (EEC) No 1180/77 ⁽¹⁾, as last amended by Regulation (EEC) No 800/87 ⁽²⁾, implemented the abovementioned Decision, in particular as regards olive oil;

This Regulation shall enter into force on the 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 Brussels, 21 December 1988.

For the Council

The President

V. PAPANDEOU

⁽¹⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽²⁾ OJ No L 78, 21. 3. 1987, p. 13.

COUNCIL DECISION

of 21 December 1988

on the conclusion of the Agreement in the form of an Exchange of Letters between the European Economic Community and Turkey fixing the additional amount to be deducted from the levy on imports into the Community of untreated olive oil, originating in Turkey, for the period 1 November 1987 to 31 December 1990

(88/645/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to Decision No 1/77 of the EEC—Turkey Association Council of 17 May 1977 on new concessions for imports of Turkish agricultural products into the Community, and in particular Annex IV thereto,

Having regard to the proposal from the Commission,

Whereas it is necessary to approve the Agreement in the form of an Exchange of Letters between the European Economic Community and Turkey fixing the additional amount to be deducted from the levy on imports into the Community of untreated olive oil, falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 and originating in Turkey, for the period 1 November 1987 to 31 December 1990,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Economic Community and Turkey

fixing the additional amount to be deducted from the levy on imports into the Community of untreated olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 and originating in Turkey, for the period 1 November 1987 to 31 December 1990 is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement for the purpose of binding the Community.

Article 3

The Decision shall take effect on the day following its publication in the *Official Journal of the European Communities*.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU

AGREEMENT

in the form of an Exchange of Letters between the European Economic Community and Turkey fixing the additional amount to be deducted from the levy on imports into the Community of untreated olive oil, originating in Turkey, for the period 1 November 1987 to 31 December 1990

Letter No 1

Sir,

Annex IV to Decision No 1/77 of the EEC—Turkey Association Council of 17 May 1977 on new concessions for imports of Turkish agricultural products into the Community stipulates that for untreated olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 the amount to be deducted from the amount of the levy in accordance with Article 2 of that Decision is increased, in order to take account of certain factors and of the situation on the olive oil market, by an additional amount under the same conditions and arrangements as laid down for the application of the said Article.

I have the honour to inform you that, having regard to the criteria specified in the aforementioned Annex IV, the Community will take the necessary steps to fix the additional amount at 10,88 ECU per 100 kilograms.

By way of derogation from Annex IV to Decision No 1/77 of the EEC—Turkey Association Council, this Agreement in the form of an Exchange of Letters shall remain in force for the period from 1 November 1987 to 31 December 1990 unless it is denounced by one of the Parties at least three months before the end of each marketing year.

I should be grateful if you would acknowledge receipt of this letter and confirm your Government's agreement to its content.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council
of the European Communities*

Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'Annex IV to Decision No 1/77 of the EEC—Turkey Association Council of 17 May 1977 on new concessions for imports of Turkish agricultural products into the Community stipulates that for untreated olive oil falling within CN codes 1509 10 10, 1509 10 90 and 1510 00 10 the amount to be deducted from the amount of the levy in accordance with Article 2 of that Decision is increased in order to take account of certain factors and of the situation on the olive oil market, by an additional amount under the same conditions and arrangements as laid down for the application of the said Article.

I have the honour to inform you that, having regard to the criteria specified in the aforementioned Annex IV, the Community will take the necessary steps to fix the additional amount at 10,88 ECU per 100 kilograms.

By way of derogation from Annex IV to Decision No 1/77 of the EEC—Turkey Association Council, this Agreement in the form of an Exchange of Letters shall remain in force for the period from 1 November 1987 to 31 December 1990 unless it is denounced by one of the Parties at least three months before the end of each marketing year.

I should be grateful if you would acknowledge receipt of this letter and confirm your Government's agreement to its content.'

I confirm the agreement of my Government to the foregoing.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the Republic of Turkey*

COMMISSION REGULATION (EEC) No 4081/88

of 27 December 1988

introducing a countervailing charge and suspending the preferential customs duty on imports of fresh lemons originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27(2) thereof,

Whereas Article 25(1) of Regulation (EEC) No 1035/72 provides that, if the entry price of a product imported from a third country remains at least 0,6 ECU below the reference price for two consecutive market days, a countervailing charge must be introduced in respect of the exporting country concerned, save in exceptional circumstances; whereas this charge is equal to the difference between the reference price and the arithmetic mean of the last two entry prices available for that exporting country;

Whereas Commission Regulation (EEC) No 1386/88 of 20 May 1988 fixing the reference price for fresh lemons for the 1988/89 marketing year⁽³⁾ fixed the reference price for products of class I for the month of December 1988 at 47,15 ECU per 100 kilograms net;

Whereas the entry price for a given exporting country is equal to the lowest representative price or the arithmetic mean of the lowest prices recorded for at least 30 % of the quantities from the exporting country concerned which are marketed on all representative markets for which prices are available less the duties and the charges indicated in Article 24(3) of Regulation (EEC) No 1035/72; whereas the meaning of representative price is defined in Article 24(2) of Regulation (EEC) No 1035/72;

Whereas, in accordance with Article 3(1) of Regulation (EEC) No 2118/74⁽⁴⁾, as last amended by Regulation (EEC) No 3811/85⁽⁵⁾, the prices to be taken into

consideration must be recorded on the representative markets or, in certain circumstances, on other markets;

Whereas, for fresh lemons originating in Turkey, the entry price calculated in this way has remained at least 0,6 ECU below the reference price for two consecutive market days; whereas a countervailing charge should therefore be introduced for these fresh lemons;

Whereas, in Article 1 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁶⁾, as amended by Regulation (EEC) No 1555/84⁽⁷⁾, a rate of customs duty of 4 % should be reintroduced.

Whereas if the system is to operate normally the entry price should be calculated on the following basis:

- in the case of currencies which are maintained in relation to each other at any given moment within a band of 2,25 %, a rate of exchange based on their central rate, multiplied by the coefficient provided for in the last paragraph of Article 3(1) of Council Regulation (EEC) No 1676/85⁽⁸⁾, as last amended by Regulation (EEC) No 1636/87⁽⁹⁾,
- for other currencies, an exchange rate based on the arithmetic mean of the spot market rates of each of these currencies recorded for a given period in relation to the Community currencies referred to in the previous indent and the aforesaid coefficient,

HAS ADOPTED THIS REGULATION:

Article 1

1. A countervailing charge of 3,98 ECU per 100 kilograms net is applied on imports of fresh lemons falling within CN code ex 0805 30 10 originating in Turkey.
2. The import duty on these products is fixed at 4 %.

Article 2

This Regulation shall enter into force on 29 December 1988.

(1) OJ No L 118, 20. 5. 1972, p. 1.
(2) OJ No L 198, 26. 7. 1988, p. 1.
(3) OJ No L 128, 21. 5. 1988, p. 21.
(4) OJ No L 220, 10. 8. 1974, p. 20.
(5) OJ No L 368, 31. 12. 1985, p. 1.

(6) OJ No L 367, 23. 12. 1981, p. 3.
(7) OJ No L 150, 6. 6. 1984, p. 4.
(8) OJ No L 164, 24. 6. 1985, p. 1.
(9) OJ No L 153, 13. 6. 1987, p. 1.

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

Done at Brussels, 27 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

**COMMISSION REGULATION (EEC) No 4091/88
of 27 December 1988**

**abolishing the countervailing charge and re-establishing a preferential customs
duty on imports of apples originating in Turkey**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EEC) No 2238/88⁽²⁾, and in particular the second subparagraph of Article 27 (2) thereof,

Whereas Commission Regulation (EEC) No 3943/88⁽³⁾, introduced a countervailing charge on apples originating in Turkey and suspended the preferential customs duty on imports of these products;

Whereas for this product originating in Turkey there were no prices for six consecutive days; whereas the conditions specified in Article 26 (1) of Regulation (EEC) No

1035/72 are therefore fulfilled and the countervailing charge on imports of apples originating in Turkey can be abolished;

Whereas, in accordance with Article 2 of Council Regulation (EEC) No 3671/81 of 15 December 1981 on imports into the Community of certain agricultural products originating in Turkey⁽⁴⁾, as amended by Regulation (EEC) No 1555/84⁽⁵⁾, the preferential rate of customs duty should be re-established at the same time as the countervailing charge is abolished,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 3943/88 is hereby repealed.

Article 2

This Regulation shall enter into force on 28 December 1988.

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

Done at Brussels, 27 December 1988.

For the Commission

Frans ANDRIESEN

Vice-President

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽³⁾ OJ No L 348, 17. 12. 1988, p. 39.

⁽⁴⁾ OJ No L 367, 23. 12. 1981, p. 9.

⁽⁵⁾ OJ No L 150, 6. 6. 1984, p. 4.

COMMISSION REGULATION (EEC) No 4121/88

of 23 December 1988

amending Regulation (EEC) No 2819/79 as regards certain textile products (categories 1, 2, 4, 5, 6, 7, 8, 9, 12, 13, ex 18, 20, 21, ex 22a, 26, ex 32, 39, 56, 65, 73 and 83) originating in Turkey

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 288/82 of 5 February 1982 on common rules for imports⁽¹⁾, as amended by Regulation (EEC) No 1243/86⁽²⁾, and in particular Article 10 thereof,

Having consulted within the advisory committee set up under Article 5 of that Regulation,

Whereas Commission Regulation (EEC) No 2819/79⁽³⁾, as last amended by Regulation (EEC) No 4119/88⁽⁴⁾, makes imports of certain textile products originating in certain non-member countries subject to Community surveillance;

Whereas Turkey has introduced administrative procedures to provide rapid information on the trend of trade in certain textile products;

Whereas a system of administrative cooperation has been established between the European Economic Community and Turkey with regard to trade in certain textile products referred to in the Annex to this Regulation;

Whereas, in order to be effective such administrative cooperation must have a consistent statistical basis;

Whereas, by Regulations (EEC) No 2295/82⁽⁵⁾, (EEC) No 3652/85⁽⁶⁾, (EEC) No 1769/86⁽⁷⁾, (EEC) No 1971/86⁽⁸⁾, as last amended by Regulation (EEC) No 3928/87⁽⁹⁾, (EEC) No 1847/88⁽¹⁰⁾ and (EEC) No 3109/88⁽¹¹⁾, the Commission established Community surveillance of

imports of certain textile products originating in Turkey; whereas those Regulations expire on 31 December 1988;

Whereas the situation which led to the introduction of the said surveillance system still exists; whereas that system should therefore remain in force;

Whereas the provisions of this Regulation should be defined as applying to products of category 21 originating in Turkey,

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the other provisions of Commission Regulation (EEC) No 2819/79, the import document referred to in Article 2 of that Regulation shall be issued or endorsed for the products listed in Annex I only on presentation of an export information document corresponding to the specimen shown in Annex II or, where appropriate, of an export information document relating to cottage industry and folklore products corresponding to the specimen shown in Annex III.

The said export information documents shall be issued by the Istanbul, Izmir (Smyrna) Çukurova and Bursa textile and garment exporters' associations.

Any export advice note should be presented to the competent authorities in the Member States within one month of its date of issue.

The import document referred to in Article 2 of Regulation (EEC) No 2819/79 may be used for two months from the date of issue. In exceptional circumstances that period may be extended by one month.

Article 2

This Regulation shall enter into force on 1 January 1989.

It shall not apply in respect of products of category 21 originating in Turkey which have previously been introduced into the customs territory of the Community, but which have not been released into free circulation in the Community.

It shall apply until 31 December 1989.

⁽¹⁾ OJ No L 35, 9. 2. 1982, p. 1.

⁽²⁾ OJ No L 113, 30. 4. 1986, p. 1.

⁽³⁾ OJ No L 320, 15. 12. 1979, p. 9.

⁽⁴⁾ See page 24 of this Official Journal.

⁽⁵⁾ OJ No L 245, 20. 8. 1982, p. 25.

⁽⁶⁾ OJ No L 348, 24. 12. 1985, p. 19.

⁽⁷⁾ OJ No L 153, 7. 6. 1986, p. 26.

⁽⁸⁾ OJ No L 170, 27. 6. 1986, p. 27.

⁽⁹⁾ OJ No L 369, 29. 12. 1987, p. 31.

⁽¹⁰⁾ OJ No L 163, 30. 6. 1988, p. 19.

⁽¹¹⁾ OJ No L 277, 8. 10. 1988, p. 38.

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

Done at Brussels, 23 December 1988.

For the Commission
Willy DE CLERCQ
Member of the Commission

ANNEX I

Category	CN code	Description	Units	Third countries
(1)	(2)	(3)	(4)	(5)
1	5204 11 00	Cotton yarn, not put up for retail sale	tonnes	Turkey
	5204 19 00			
	5205 11 00			
	5205 12 00			
	5205 13 00			
	5205 14 00			
	5205 15 10			
	5205 15 90			
	5205 21 00			
	5205 22 00			
	5205 23 00			
	5205 24 00			
	5205 25 10			
	5205 25 30			
	5205 25 90			
	5205 31 00			
	5205 32 00			
	5205 33 00			
	5205 34 00			
	5205 35 10			
	5205 35 90			
	5205 41 00			
	5205 42 00			
	5205 43 00			
	5205 44 00			
	5205 45 10			
	5205 45 30			
	5205 45 90			
	5206 11 00			
	5206 12 00			
	5206 13 00			
	5206 14 00			
	5206 15 10			
	5206 15 90			
	5206 21 00			
	5206 22 00			
	5206 23 00			
	5206 24 00			
	5206 25 10			
	5206 25 90			
	5206 31 00			
	5206 32 00			
	5206 33 00			
	5206 34 00			
	5206 35 10			
	5206 35 90			
	5206 41 00			
	5206 42 00			
	5206 43 00			
	5206 44 00			
	5206 45 10			
	5206 45 90			
ex 5604 90 00				
2	5208 11 10	Woven fabrics of cotton, other than gauze, terry fabrics, narrow woven fabrics, pile fabrics, chenille fabrics, tulle and other net fabrics	tonnes	Turkey
	5208 11 90			
	5208 12 11			
	5208 12 13			
	5208 12 15			
	5208 12 19			

(1)	(2)	(3)	(4)	(5)
2 <i>(cont'd)</i>	S208 12 91			
	S208 12 93			
	S208 12 95			
	S208 12 99			
	S208 13 00			
	S208 19 00			
	S208 21 10			
	S208 21 90			
	S208 22 11			
	S208 22 13			
	S208 22 15			
	S208 22 19			
	S208 22 91			
	S208 22 93			
	S208 22 95			
	S208 22 99			
	S208 23 00			
	S208 29 00			
	S208 31 00			
	S208 32 11			
	S208 32 13			
	S208 32 15			
	S208 32 19			
	S208 32 91			
	S208 32 93			
	S208 32 95			
	S208 32 99			
	S208 33 00			
	S208 39 00			
	S208 41 00			
	S208 42 00			
	S208 43 00			
	S208 49 00			
	S208 51 00			
	S208 52 10			
	S208 52 90			
	S208 53 00			
	S208 59 00			
	S209 11 00			
	S209 12 00			
	S209 19 00			
	S209 21 00			
	S209 22 00			
	S209 29 00			
	S209 31 00			
	S209 32 00			
	S209 39 00			
	S209 41 00			
	S209 42 00			
	S209 43 00			
	S209 49 10			
	S209 49 90			
	S209 51 00			
	S209 52 00			
	S209 59 00			
S210 11 10				
S210 11 90				
S210 12 00				
S210 19 00				
S210 21 10				
S210 21 90				
S210 22 00				
S210 29 00				
S210 31 10				
S210 31 90				
S210 32 00				

(1)	(2)	(3)	(4)	(5)
2 <i>(cont'd)</i>	5210 39 00 5210 41 00 5210 42 00 5210 49 00 5210 51 00 5210 52 00 5210 59 00			
	5211 11 00 5211 12 00 5211 19 00 5211 21 00 5211 22 00 5211 29 00 5211 31 00 5211 32 00 5211 39 00 5211 41 00 5211 42 00 5211 43 00 5211 49 11 5211 49 19 5211 49 90 5211 51 00 5211 52 00 5211 59 00			
	5212 11 10 5212 11 90 5212 12 10 5212 12 90 5212 13 10 5212 13 90 5212 14 10 5212 14 90 5212 15 10 5212 15 90 5212 21 10 5212 21 90 5212 22 10 5212 22 90 5212 23 10 5212 23 90 5212 24 10 5212 24 90 5212 25 10 5212 25 90			
	ex 5811 00 00			
	ex 6308 00 00			
4	6105 10 00 6105 20 10 6105 20 90 6105 90 10 6109 10 00 6109 90 10 6109 90 30 6110 20 10 6110 30 10	Shirts, T-shirts, lightweight fine knit roll, polo or turtle necked jumpers and pullo- vers (other than of wool or fine animal hair), undervests and the like, knitted or crocheted	1 000 pieces	Turkey

(1)	(2)	(3)	(4)	(5)
5	6101 10 90 6101 20 90 6101 30 90 6102 10 90 6102 20 90 6102 30 90 6110 10 10 6110 10 31 6110 10 39 6110 10 91 6110 10 99 6110 20 91 6110 20 99 6110 30 91 6110 30 99	Jerseys, pullovers, slip-overs, waistcoats, twinsets, cardigans, bed-jackets and jumpers (other than jackets and blazers), anoraks, windcheaters, waister jackets and the like, knitted or crocheted	1 000 pieces	Turkey
6	6203 41 10 6203 41 90 6203 42 31 6203 42 33 6203 42 35 6203 42 90 6203 43 19 6203 43 90 6203 49 19 6203 49 50 6204 61 10 6204 62 31 6204 62 33 6204 62 35 6204 63 19 6204 69 19	Men's or boys' woven breeches, shorts other than swimwear and trousers (including slacks); women's or girls' woven trousers and slacks, of wool, cotton or of man-made fibres	1 000 pieces	Turkey
7	6106 10 00 6106 20 00 6106 90 10 6206 20 00 6206 30 00 6206 40 00	Women's or girls' blouses, shirts and shirt-blouses, whether or not knitted or crocheted, of wool, cotton or man-made fibres	1 000 pieces	Turkey
8	6205 10 00 6205 20 00 6205 30 00	Men's or boys' shirts, other than knitted or crocheted, of wool, cotton or man-made fibres	1 000 pieces	Turkey
9	5802 11 00 5802 19 00 ex 6302 60 00	Terry towelling and similar woven terry fabrics of cotton; toilet linen and kitchen linen, other than knitted or crocheted, of terry towelling and woven terry fabrics, of cotton	tonnes	Turkey
12	6115 12 00 6115 19 10 6115 19 90 6115 20 11 6115 20 90 6115 91 00 6115 92 00 6115 93 10 6115 93 30 6115 93 99 6115 99 00	Bas, bas-culottes (collants), sous-bas, chaussettes, socquettes, protégé-bas ou articles similaires en bonneterie, autres que pour bébés, y compris les bas à varices, autres que les produits de la catégorie 70	1 000 paires	Turquie

(1)	(2)	(3)	(4)	(5)
13	6107 11 00 6107 12 00 6107 19 00 6108 21 00 6108 22 00 6108 29 00	Slips et caleçons pour hommes ou garçonnets, slips et culottes pour femmes ou fillettes, en bonneterie, de laine, de coton ou de fibres synthétiques ou artificielles	1 000 pièces	Turquie
ex 18	6207 91 00 6208 91 10	Peignoirs de bain, robes de chambre et articles similaires, de coton, pour hommes ou garçonnets, autres qu'en bonneterie Déshabillés, peignoirs de bain, robes de chambre et articles similaires, de coton, pour femmes ou fillettes, autres qu'en bonneterie	Tonnes	Turquie
20	6302 21 00 6302 22 90 6302 29 90 6302 31 10 6302 31 90 6302 32 90 6302 39 90	Linge de lit, autre qu'en bonneterie	Tonnes	Turquie
21	ex 6201 12 10 ex 6201 12 90 ex 6201 13 10 ex 6201 13 90 6201 91 00 6201 92 00 6201 93 00 ex 6202 12 10 ex 6202 12 90 ex 6202 13 10 ex 6202 13 90 6202 91 00 6202 92 00 6202 93 00	Parkas; anoraks, windcheaters, waister jackets and the like, other than knitted or crocheted, of wool, of cotton or man-made fibres	1 000 pièces	Turquie
ex 22 a)	5508 10 19 5509 31 10 5509 31 90 5509 32 10 5509 32 90	Fils de fibres synthétiques discontinues, non conditionnés pour la vente au détail : a) dont acryliques	Tonnes	Turquie
26	6104 41 00 6104 42 00 6104 43 00 6104 44 00 6204 41 00 6204 42 00 6204 43 00 6204 44 00	Robes pour femmes et fillettes, de laine, de coton ou de fibres synthétiques ou artificielles	1 000 pièces	Turquie
ex 32	5801 25 00 5801 26 00 ex 5802.30 00	Velours, peluches, tissus bouclés et tissus de chenille (à l'exclusion des tissus de coton, bouclés du genre éponge, et de la rubanerie) et surfaces textiles touffées de coton	Tonnes	Turquie

(1)	(2)	(3)	(4)	(5)
39	6302 51 10 6302 51 90 6302 53 90 ex 6302 59 00 6302 91 10 6302 91 90 6302 93 90 ex 6302 99 00	Linge de table, de toilette ou de cuisine, autre que de bonneterie, autre que de coton bouclé du genre éponge	Tonnes	Turquie
56	5508 10 90 5511 10 00 5511 20 00	Fils de fibres synthétiques discontinues (y compris les déchets), conditionnés pour la vente au détail	Tonnes	Turquie
65	5606 00 10 ex 6001 10 00 6001 21 00 6001 22 00 6001 29 10 6001 91 10 6001 91 30 6001 91 50 6001 91 90 6001 92 10 6001 92 30 6001 92 50 6001 92 90 6001 99 10 ex 6002 10 10 6002 20 10 6002 20 39 6002 20 50 6002 20 70 ex 6002 30 10 6002 41 00 6002 42 10 6002 42 30 6002 42 50 6002 42 90 6002 43 31 6002 43 33 6002 43 35 6002 43 39 6002 43 50 6002 43 91 6002 43 93 6002 43 95 6002 43 99 6002 91 00 6002 92 10 6002 92 30 6002 92 50 6002 92 90 6002 93 31 6002 93 33 6002 93 35 6002 93 39 6002 93 91 6002 93 99	Étoffes de bonneterie autres que les articles des catégories 38 A et 63, de laine, de coton ou de fibres synthétiques ou artificielles	Tonnes	Turquie
73	6112 11 00 6112 12 00 6112 19 00	Survêtements de sport (<i>trainings</i>) en bonneterie, de laine, de coton ou de fibres synthétiques ou artificielles	1 000 pièces	Turquie

(1)	(2)	(3)	(4)	(5)
83	6101 10 10	Overcoats, jackets, blazers and other garments, including ski suits, knitted or crocheted, excluding garments of categories 4, 5, 7, 13, 24, 26, 27, 28, 68, 69, 72, 73, 74, 75	tonnes	Turkey
	6101 20 10			
	6101 30 10			
	6102 10 10			
	6102 20 10			
	6102 30 10			
	6103 31 00			
	6103 32 00			
	6103 33 00			
	ex 6103 39 00			
	6104 31 00			
	6104 32 00			
	6104 33 00			
	ex 6104 39 00			
	ex 6112 20 00			
	6113 00 90			
	6114 10 00			
	6114 20 00			
	6114 30 00			

(*) In the currency of the sale contract. — Dans la monnaie de contrat de vente.

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	ORIGINAL		2 No
	3 Management year: Année de gestion:	4 Category number: Numéro de catégorie:	
5 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	EXPORT INFORMATION DOCUMENT (Textile products) DOCUMENT INFORMATION D'EXPORTATION (Produits textiles)		
To be sent to the importer Copie à envoyer à l'importateur	6 Country of origin Pays d'origine	7 Country of destination Pays de destination	
8 Place and date of shipment — Means of transport Lieu et date d'embarquement — Moyen de transport	9 Supplementary details Données supplémentaires		
10 Marks and numbers — Number and kind of packages DESCRIPTION OF GOODS Marques et numéros — Nombre et nature des colis DÉSIGNATION DES MARCHANDISES	11 Combined nomenclature (CN) codes Codes de la nomenclature combinée (NC)	12 Quantity (*) Quantité	13 Value (*) fob Turkey Valeur fob Turquie
<p>This document must be presented to the competent authorities in the importer member country within one month of its date of issue. Le présent document doit être présenté aux autorités compétentes du pays membre importateur dans un délai d'un mois à compter de la date de sa délivrance.</p>			
<p>14 CERTIFICATION BY THE TURKISH AUTHORITY — VISA DE L'ASSOCIATION EXPORTATRICE TURQUE:</p> <p>I, the undersigned, certify the authenticity of the above information. Je soussigné certifie l'authenticité des informations données ci-dessus.</p> <p style="text-align: center;">At-À On-Le</p>			
15 COMPETENT ASSOCIATION (name, full address, country) ASSOCIATION COMPÉTENTE (nom, adresse complète, pays)		Signature	Stamp-Cachet

(*) Show net weight (kg) and also quantity in the unit prescribed for category.
Indiquer le poids net en kilogrammes ainsi que la quantité dans l'unité prescrite pour la catégorie.

1 Exporter (name, full address, country) Exportateur (nom, adresse complète, pays)	ORIGINAL		2 No	
	<p align="center">EXPORT INFORMATION DOCUMENT in regard to handlooms, textile handicrafts and traditional textile products of the cottage industry</p> <p align="center">DOCUMENT INFORMATION D'EXPORTATION relatif aux tissus tissés sur métiers à main, aux produits textiles faits à la main et aux produits textiles relevant du folklore traditionnel, de fabrication artisanale</p>			
3 Consignee (name, full address, country) Destinataire (nom, adresse complète, pays)	4 Country of origin Pays d'origine		5 Country of destination Pays de destination	
To be sent to the importer Copie à envoyer à l'importateur	7 Supplementary details Données supplémentaires			
6 Place and date of shipment — Means of transport Lieu et date d'embarquement — Moyen de transport	7 Supplementary details Données supplémentaires			
8 Marks and numbers — Number and kind of packages DESCRIPTION OF GOODS Marques et numéros — Nombre et nature des colis DÉSIGNATION DES MARCHANDISES	9 Combined nomenclature (CN) codes Codes de la nomenclature combinée (NC)	10 Quantity (*) Quantité	11 Value (*) fob Turkey Valeur fob Turquie	
			<p>This document must be presented to the competent authorities in the importer member country within one month of its date of issue. Le présent document doit être présenté aux autorités compétentes du pays membre importateur dans un délai d'un mois à compter de la date de sa délivrance.</p>	
<p>12 CERTIFICATION BY THE TURKISH EXPORTING ASSOCIATION — VISA DE L'ASSOCIATION EXPORTATRICE TURQUE :</p> <p>I, the undersigned, certify that the consignment described above includes only the following textile products of the cottage industry of the country shown in box No 4</p> <p>a) fabrics woven on looms operated solely by hand or foot (handlooms) (*)</p> <p>b) garments or other textile articles obtained manually from the fabrics described under a) and sewn solely by hand without the aid of any machine (handicrafts) (*)</p> <p>c) traditional folklore handicraft textile products made by hand, as defined in the list agreed between the European Economic Community and the Associations shown in box No 13</p> <p>Je soussigné certifie que l'envoi décrit ci-dessus contient exclusivement les produits textiles suivants, relevant de la fabrication artisanale du pays figurant dans la case 4</p> <p>a) tissus tissés sur des métiers actionnés à la main ou au pied (handlooms) (*)</p> <p>b) vêtements ou autres articles textiles obtenus manuellement à partir de tissus décrits au point a) et cousus uniquement à la main sans l'aide d'une machine (handicrafts) (*)</p> <p>c) produits textiles relevant du folklore traditionnel fabriqués à la main, comme définis dans la liste convenue entre la Communauté économique européenne et les associations indiquées dans la case 13.</p>				
<p align="center">At-A On-Le</p>				
13 COMPETENT ASSOCIATION (name, full address, country) ASSOCIATION COMPÉTENTE (nom, adresse complète, pays)		Signature		
		Stamp-Cachet		

(*) In the currency of the sales contract — Dans la monnaie de contrat de vente.
(*) Delata et appropriate (les) mention(s) mention(s).

(*) Show net weight (kg) and also quantity in the unit prescribed for category.
Indiquer le poids net en kilogrammes ainsi que la quantité dans l'unité prescrite pour la catégorie.

**COUNCIL REGULATION (EEC) No 4219/88
of 19 December 1988**

opening, allocating and providing for the administration of a Community tariff quota for fresh or dried hazelnuts, shelled or not, originating in Turkey (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas the Annex to Council Regulation (EEC) No 3721/84 of 18 December 1984 on imports into the Community of agricultural products originating in Turkey ⁽¹⁾, provides that fresh or dried hazelnuts, shelled or not and originating in Turkey shall be admitted on importation into the Community at zero duty within the limits of a Community tariff quota of 25 000 tonnes; whereas the Community tariff quota concerned should therefore be opened for 1989;

Whereas the Council adopted Regulation (EEC) No 1059/88 of 28 March 1988 laying down the arrangements applicable to Greece's trade with Turkey ⁽²⁾; whereas, the Council has also adopted Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal, on the one hand, and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey, on the other ⁽³⁾; whereas the tariff quota in question applies therefore to the Community as constituted on 31 December 1985.

Whereas equal and continuous access to the quota should be ensured for all importers of the Member States and the rate laid down for the quota should be applied consistently to all imports of the products in question into the said Member States until the quota is exhausted;

Whereas, for the period of application of this Regulation, it appears necessary to maintain an allocation between the

Member States of the quotas concerned, since the administrations of the Member States are unable to provide by 1 January 1989, the administrative and technical conditions required for the Community management of quotas for these products originating in Turkey; whereas it does, however, seem advisable to provide for a further increase in the Community reserve;

Whereas provision should be made for a mechanism to prevent, when the Community quota is not used up, goods being imported into a Member State which has used up its share only after the full application of customs duties, or after having been diverted to another Member State whose share has not yet been used up; whereas under these circumstances, if, during the quota period, the Community reserve were to be almost entirely used up, Member States should return to the said reserve all of the unused portion of their initial shares so as to avoid part of the Community tariff quota from remaining unused in one Member State, when it could be used in others;

Whereas, taking into account the traditional trends in trade, the allocation maintained between Member States must, so as to reflect as well as possible the actual market trend of the products in question, be carried out *pro rata* the needs of the Member States, calculated, on the one hand, on the basis of the statistical data relating to imports of the said products from Turkey over a representative reference period and, on the other hand, on the basis of the economic outlook for the quota periods considered;

Whereas, on the basis of the currently available statistical data, imports of the product in question from Turkey into the Member States have developed as follows over the years 1985, 1986 and 1987, whereas they represent the following percentages of total imports into the Community from Turkey:

Member State	1985		1986		1987	
	tonnes	%	tonnes	%	tonnes	%
Benelux	5 266	7,10	6 202	8,25	6 903	8,79
Denmark	792	1,07	868	1,15	869	1,10
Germany	47 225	63,65	49 716	66,12	50 513	64,29
Greece	0	0	0	0	0	0
France	9 416	12,69	9 129	12,14	8 845	11,26
Ireland	28	0,03	0	0	20	0,02
Italy	5 206	7,02	3 179	4,23	6 944	8,84
United Kingdom	6 264	8,44	6 099	8,11	4 480	5,70
Total	74 197		75 193		78 574	

⁽¹⁾ OJ No L 343, 31. 12. 1984, p. 6.

⁽²⁾ OJ No L 104, 23. 4. 1988, p. 4.

⁽³⁾ OJ No L 250, 1. 9. 1987, p. 1.

Whereas, in view of these factors and of market forecasts for the products concerned for 1989 and, in particular, the estimates submitted by certain Member States, initial percentage shares can be expressed approximately as follows:

Benelux	8,06
Denmark	1,73
Germany	64,68
France	12,02
Ireland	0,07
Italy	6,05
United Kingdom	7,39

Whereas, to allow for the trend of imports of the products concerned in the various Member States, the quota volume should be divided into two parts, the first being allocated among the Member States and the second held as a reserve to cover any subsequent requirements of these Member States as well as those Member States which do not participate in the initial allocation; whereas to afford importers in each Member State some degree of certainty, the first part of the tariff quota should be set at a relatively high level, which in this case could be approximately 60% of the quota volume;

Whereas Member States may use up their initial shares at different rates; whereas, to provide for this eventuality and to avoid any break in the continuity of supplies, any Member State which has used up its initial share should draw

additional shares in quantities corresponding to their real requirements, as many times as the reserve allows; whereas this form of administration requires close cooperation between Member States and the Commission and the latter must be able to monitor the extent to which the quota volume has been used up and to 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, any operation concerning the administration of the quota shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989 the customs duty applicable to imports into the Community as constituted on 31 December 1985 of the following products shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

Order No	CN code	Description	Amount of quota (tonnes)	Rate of quota duty (%)
09.0201	0802 21 00 0802 22 00	Fresh or dried hazelnuts, shelled or not, originating in Turkey	25 000	0

2. Imports of the products in question may not be charged against this tariff quota if they already qualify for the same customs duties under other preferential tariff arrangements.

2. This tariff quota shall be allocated and administered in accordance with the following articles.

Article 2

1. The tariff quota referred to in Article 1 (1) shall be divided into two parts.

2. The first part, amounting to 15 000 tonnes, shall be allocated among the Member States; the quota shares, which subject to Article 4 shall be valid until 31 December 1989, shall be as follows:

	(tonnes)
Benelux	1 209
Denmark	260
Germany	9 702
France	1 803
Ireland	10
Italy	908
United Kingdom	1 108

3. The second part of the quota, amounting to 10 000 tonnes, shall constitute the reserve.

4. If products of the type in question are presented in Greece and supported by a declaration as to entry into free circulation which is accepted by the customs services, the Member State concerned shall inform the Commission and draw a corresponding amount under the conditions laid down in Article 3.

Article 3

If a Member State's initial share as specified in Article 2 (2), has been used up entirely, the following provisions shall apply.

If an importer presents, in a Member State, a declaration as to entry into free circulation comprising a request for preferential treatment for a product covered by this Regulation, and this 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 reserve referred to in Article 2 (3).

Requests to draw on the reserve together with the date of acceptance of the said declaration must be forwarded to the Commission without delay.

Drawings shall be granted by the Commission on the basis of the date of acceptance of goods for entry into free circulation by the customs authorities of the Member State concerned, provided a sufficient amount remains in the reserve.

If a Member State does not use the quantities drawn, it shall return them to the reserve as soon as possible.

If requests for drawings exceed the amount remaining in the reserve, an allocation shall be made *pro rata*. The Member States shall be informed by the Commission in accordance with the same procedure.

Article 4

1. Once at least 80% of the reserve of one of the tariff quotas, as defined in Article 2 (3), has been used up, the Commission shall inform the Member States thereof.

2. It shall also notify Member States in this case of the date from which drawings on the Community reserve must be made according to the provisions laid down in the second and fifth paragraphs of Article 3, if these provisions are not already in effect.

3. Within a time limit fixed by the Commission as from the date referred to in the first subparagraph of paragraph 2, Member States shall be required to return to the reserve all their initial shares and any drawings which have not been used on that date, within the meaning of Article 6 (3).

Article 5

The Commission shall keep an account of the shares drawn by the Member States pursuant to Articles 2 and 3 and shall, as soon as it has been notified, inform each State of the extent to which the reserves have been used up.

It shall inform the Member States, of the volume of the reserve following any return of quota shares pursuant to Article 4.

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

Done at Brussels, 19 December 1988.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the final drawing.

Article 6

1. Member States shall take all appropriate measures to ensure that additional drawings of shares pursuant to Article 3 are carried out in such a way that imports may be charged without interruption against their accumulated shares in the Community tariff quotas.

2. Member States shall ensure that importers of the products concerned have free access to the quota shares allocated to them, or which they have levied on the reserve.

3. Member States shall charge imports of the products concerned against their shares as and when the goods are entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its shares shall be determined on the basis of the imports charged in accordance with paragraph 3.

Article 7

At the request of the Commission, Member States shall inform it of imports of the products in question actually charged against their quota shares.

Article 8

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

Article 9

This Regulation shall enter into force on 1 January 1989.

For the Council
The President
Th. PANGALOS

COUNCIL REGULATION (EEC) No 4220/88

of 19 December 1988

suspending wholly or in part the Common Customs Tariff duties on certain agricultural products originating in Turkey (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to Council Regulation (EEC) No 3033/80 of 11 November 1980 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal from the Commission,

Whereas under Annex 6 to the Additional Protocol laying down the conditions, procedures and timetables for implementing the transitional phase referred to in Article 4 of the Agreement establishing an association between the European Economic Community and Turkey⁽²⁾ and under Article 9 of the Supplementary Protocol to the Association Agreement between the European Economic Community and Turkey consequent on the accession of new Member States to the Community⁽³⁾, which was signed in Ankara on 30 June 1973 and entered into force on 1 March 1986⁽⁴⁾, the Community must wholly or in part suspend the Common Customs Tariff duties applicable to certain products; whereas it also appears necessary, on a provisional basis, to adjust or supplement some of the advantages provided for in the abovementioned Annex 6; whereas the Community should, therefore, with regard to the products originating in Turkey contained in the list annexed to this Regulation, suspend until 31 December 1989 either the fixed component of the charge applicable to the goods falling within the scope of Regulation (EEC) No 3033/80 or the customs duty applicable to the other products, at the levels indicated for each of them;

Whereas Council adopted Regulation (EEC) No 1059/88 of 28 March 1988 laying down the arrangements applicable to Greece's trade with Turkey⁽⁵⁾;

Whereas the Council also adopted Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal, on the one hand, and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey, on the other⁽⁶⁾; whereas this Regulation applies therefore to the Community as constituted on 31 December 1985 or to the Community as currently constituted, as appropriate,

Article 1

1. From 1 January until 31 December 1989 the customs duties on imports into the Member States of the products originating in Turkey listed in the Annex shall be those indicated for each of them in the said Annex.

Where this Regulation is applicable in Spain and in Portugal, these Member States shall apply duties calculated in accordance with the relevant provisions set out in Regulation (EEC) No 2573/87.

2. For the purposes of application of this Regulation, 'originating products' shall mean those products which fulfil the conditions laid down in Association Council Decision No 4/72 attached to Regulation (EEC) No 428/73⁽⁷⁾, as amended by Decision No 1/75 attached to Regulation (EEC) No 1431/75⁽⁸⁾.

The methods of administrative cooperation for ensuring that the products listed in the Annexes benefit from the total or partial suspension shall be those laid down in Association Council Decision No 5/72 attached to Regulation (EEC) No 428/73, as last amended by Decision No 1/83, attached to Regulation (EEC) No 993/83⁽⁹⁾.

Article 2

When imports of products qualifying for the arrangements provided for in Article 1 come into the Community in quantities or at prices which cause or threaten to cause serious injury to the Community producers of similar products or directly competitive products, the Common Customs Tariff duties may be partially or wholly re-established for the products in question. These measures may also be taken in the event of serious injury or the threat of serious injury limited to a single region of the Community.

Article 3

1. In order to ensure the application of Article 2, the Commission may decide by means of a Regulation to re-establish Common Customs Tariff duties for a limited period.

⁽¹⁾ OJ No L 59, 5. 3. 1973, p. 73.

⁽²⁾ OJ No L 142, 4. 6. 1975, p. 1.

⁽³⁾ OJ No L 112, 8. 4. 1983, p. 1.

⁽¹⁾ OJ No L 323, 29. 11. 1980, p. 1.

⁽²⁾ OJ No L 217, 29. 12. 1964, p. 3687/64.

⁽³⁾ OJ No L 361, 31. 12. 1977, p. 2.

⁽⁴⁾ OJ No L 48, 26. 2. 1986, p. 36.

⁽⁵⁾ OJ No L 104, 23. 4. 1988, p. 4.

⁽⁶⁾ OJ No L 250, 1. 9. 1987, p. 1.

2. Where the Commission has been requested by a Member State to take action it shall take a decision within a maximum period of 10 working days from receipt of the request and shall inform the Member States of the action taken.

Referring the matter to the Council shall not have a suspensory effect. The Council shall meet without delay. It may by a qualified majority amend or annul the measure taken.

3. Any Member State may refer the Commission's action to the Council, within a period of 10 working days following the day of its notification.

Article 4

This Regulation shall enter into force on 1 January 1989.

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

Done at Brussels, 19 December 1988.

For the Council
The President
Th. PANGALOS

ANNEX

List of products falling within Chapters 1 to 24 originating in Turkey for which there are grounds for total or partial suspension of the Common Customs Tariff

Order No	CN code	Description	Rate of duty	applicable	
15.0001	ex 0709 30 00	Vegetables, fresh of chilled: - Aubergines, from 1 to 14 January	9%	in the Community as constituted at 31 December 1985	
15.0003	0714 20 10	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and other similar roots and tubers with high starch or inulin content, fresh or dried, whole or sliced; sago pith: - Sweet potatoes intended for human consumption (1)	Free		
15.0005	ex 0807 10 10	Melons (including watermelons) and papaws (papayas), fresh: - Watermelons, from 1 November to 31 March	6,5%		
15.0007	ex 1806 10 10 ex 1806 10 30 ex 1806 10 90	Chocolate and other food preparations containing cocoa: - Cocoa powder, not otherwise sweetened than by the addition of sucrose	3% + MOB		
15.0009	1806 20 10 1806 20 30 1806 20 50 1806 20 90 1806 31 00 1806 32 10 1806 32 90 1806 90 11 1806 90 19 1806 90 31 1806 90 39 1806 90 50	Chocolate and chocolate goods, whether or not filled, sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa	9% + MOB with a max. of 27% + AD S/Z		in the Community as currently constituted
15.0011	ex 1901 90 90	- Preparation based on flour of leguminous vegetables in the form of sun-dried discs of dough, known as 'papad'	Free		
15.0013	ex 1903 00 00	Tapioca, other than tapioca prepared from potato starch	2% + MOB		
15.0015	0710 40 00 0711 90 30 2001 90 30 2004 90 10 2005 80 00 2008 99 85	Preparations: - - Of maize	3% + MOB		
15.0017	1904 90 10	- - Of rice	3% + MOB		
15.0019	1904 90 90	- - Of other cereals	2% + MOB		

Abbreviations:

MOB = variable component,
AD S/Z = additional duty on sugar.

(1) Entry under this CN code is subject to conditions laid down in the relevant Community provisions.

COUNCIL REGULATION (EEC) No 4221/88
of 19 December 1988

opening and providing for the administration of a Community preferential ceiling for certain petroleum products refined in Turkey and establishing Community surveillance for imports thereof (1989)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Article 7 of the Supplementary Protocol to the Association Agreement between the European Economic Community and Turkey consequent on the accession of new Member States to the Community (1), which was signed in Ankara on 30 June 1973 and entered into force on 1 March 1986 (2), provides for the total suspension of customs duties applicable to certain petroleum products refined in Turkey falling within Chapter 27 of the Common Customs Tariff within the limits of an annual Community tariff quota of 340 000 tonnes; whereas, for the products concerned, a provisional adjustment should be made to those tariff preferences, consisting essentially of substituting for the Community tariff quota a Community ceiling amounting, after successive increases, to 705 000 tonnes, above which the customs duties applicable to third countries may be re-established;

Whereas the Council adopted Regulation (EEC) No 1059/88 of 28 March laying down the arrangements applicable to Greece's trade with Turkey (3); whereas, the Council also adopted Regulation (EEC) No 2573/87 of 11 August 1987 laying down the arrangements for trade between Spain and Portugal, on the one hand, and Algeria, Egypt, Jordan, Lebanon, Tunisia and Turkey, on the other (4); whereas the tariff quota in question applies therefore to the current Community;

Whereas the application of ceilings requires the Community to be regularly informed of the trend of imports of the relevant products originating in Turkey; whereas imports should, therefore, be made subject to a system of surveillance;

Whereas this objective may be achieved by means of an administrative procedure based on offsetting imports of the products in question against the ceiling at Community level as and when these products are entered with the customs authorities for free circulation; whereas this administrative procedure must make provision for the possible re-establishment of customs tariff duties as soon as the ceiling is reached at Community level;

Whereas this administrative procedure requires close and particularly swift cooperation between the Member States and the Commission; whereas the latter must, in particular, be able to follow the progress of quantities charged against the ceiling and keep the Member States informed; whereas this cooperation has to be particularly close since the Commission must be able to take the appropriate measures to re-establish customs tariff duties if the ceiling is reached,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1989 the duties applicable to imports into the Community as it stands at present, of the petroleum products refined in Turkey and indicated in paragraph 2 shall be suspended in full within the limits of a Community ceiling of 705 000 tonnes.

Within the limits of this ceiling, the Kingdom of Spain and the Portuguese Republic shall apply the duties calculated in accordance with Regulation (EEC) No 2573/87.

2. The petroleum products to which paragraph 1 applies shall be the following:

Order No	CN code	Description
13.0010	2710 00	Petroleum oils and oils obtained from bituminous minerals, other than crude preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations: - Light oils: - - For other purposes:

(1) OJ No L 361, 31. 12. 1977, p. 2.

(2) OJ No L 48, 26. 2. 1986, p. 36.

(3) OJ No L 104, 23. 4. 1988, p. 4.

(4) OJ No L 250, 1. 9. 1987, p. 1.

Order No	CN code	Description
13.0010 (cont'd)	2710 00 21	- - - Special spirits:
	2710 00 21	- - - - White spirit
	2710 00 25	- - - - Other
	2710 00 25	- - - - Other:
	2710 00 31	- - - - Motor spirit:
	2710 00 31	- - - - - Aviation spirit:
	2710 00 33	- - - - - Other, with a lead content:
	2710 00 33	- - - - - Not exceeding 0,013 g/l
	2710 00 35	- - - - - Exceeding 0,013 g/l
	2710 00 37	- - - - Spirit type jet fuel
	2710 00 39	- - - - Other light oils
	2710 00 39	- Medium oils:
	2710 00 39	- - For other purposes:
	2710 00 39	- - - Kerosene:
	2710 00 51	- - - - Jet fuel
	2710 00 55	- - - - Other
	2710 00 59	- - - - Other
	2710 00 59	- Heavy oils:
	2710 00 59	- - Gas oils:
	2710 00 69	- - - For other purposes
	2710 00 69	- - Fuel oils:
	2710 00 79	- - - For other purposes
	2710 00 79	- - Lubricating oils; other oils:
	2710 00 95	- - - To be mixed in accordance with the terms of additional note 6 (CN) to this chapter ⁽¹⁾
	2710 00 99	- - - For other purposes
	2711	Petroleum gases and other gaseous hydrocarbons:
	2711 12	- - Propane:
	2711 12	- - - Other:
	2711 12 99	- - - - For other purposes
	2711 13	- - Butanes:
	2711 13 90	- - - For other purposes
	2712	Petroleum jelly, paraffin wax, microcrystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes, and similar products obtained by synthesis or by other processes, whether or not coloured:
	2712 10	- Petroleum jelly:
	2712 10 10	- - Crude
	2712 10 90	- - Other
	2712 20 00	- Paraffin wax containing by weight less than 0,75 % of oil
	2712 90	- Other:
	2712 90	- - Other:
	2712 90	- - - Crude:
	2712 90 39	- - - - For other purposes
2712 90 90	- - - - Other	
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals:	
2713 90	- Other residues of petroleum oils or of oils obtained from bituminous minerals:	
2713 90 90	- - Other	

⁽¹⁾ Entry under this subheading is subject to conditions laid down in the relevant Community provisions.

3. Imports of the petroleum products referred to in paragraph 1 shall be subject to Community surveillance.

4. Quantities shall be charged against the ceiling as and when products are entered with the customs authorities for free circulation.

5. The extent to which the ceiling is used up shall be determined at Community level on the basis of the imports charged against it, in the manner specified in paragraph 4.

6. Member States shall inform the Commission, at the intervals and within the time limits specified in Article 3, of imports effected in accordance with the rules referred to in this Article.

Article 2

As soon as the ceiling referred to Article 1 (1) has been reached at Community level, the Commission may adopt a regulation re-establishing, until the end of the calendar year, the collection of the duties normally applicable.

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

Done at Brussels, 19 December 1988.

Article 3

Member States shall send the Commission statements of the quantities charged for the preceding month no later than the 15th day of each month. At the Commission's request, they shall send statements of the quantities charged for periods of ten days, to be forwarded within five clear days of the end of each 10-day period.

Article 4

The Commission shall take all appropriate measures, in close cooperation with the Member States, to ensure the implementation of this Regulation.

Article 5

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

It shall apply with effect from 1 January 1989.

For the Council
The President
Th. PANGALOS

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