

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EEC) No 3985/87

of 22 December 1987

amending Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature
and on the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff and, in particular, its Article 9,

Whereas Regulation (EEC) No 2658/87 established a goods nomenclature, hereinafter called the 'combined nomenclature', to meet, at one and the same time, the requirements both of the Common Customs Tariff and of the external trade statistics of the Community;

Whereas certain Regulations on the common organization of agricultural markets provide that the tariff nomenclature resulting from their application shall be included in the combined nomenclature; whereas they amend, if necessary, customs duties; whereas it is therefore appropriate to include in this Regulation all the amendments from Regulations adopted under the common agricultural policy;

Whereas on 24 November 1987 the Council decided upon the conventional rates of duty to be applied to certain products falling within Chapter 85 of the combined

nomenclature; whereas it is appropriate to include those rates in the combined nomenclature;

Whereas in order to ensure the uniform interpretation and application of the combined nomenclature, it is appropriate to clarify the meaning of certain terms used in Section XI of that nomenclature by the introduction of three additional notes;

Whereas in order to improve the wording of the combined nomenclature certain textual amendments are required;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Nomenclature Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The combined nomenclature annexed to Regulation (EEC) No 2658/87 is hereby amended in accordance with the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1988.

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

Done at Brussels, 22 December 1987.

For the Commission
COCKFIELD
Vice-President

(¹) OJ No L 256, 7. 9. 1987, p. 1.

ANNEX

CN-code	Description	Rate of duty		Supplementary unit
		autonomous (%) or levy (AGR)	conventional (%)	
1	2	3	4	5
0302	(unchanged)			
0302 11 00	(unchanged)			
0302 12 00	— — Pacific salmon (<i>Oncorhynchus</i> spp.), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>).....	16	2	—
0302 19 00 to 0302 69 65	(unchanged)			
0303 to 0303 41 90	(unchanged)			
0303 42	— — Yellowfin tunas (<i>Thunnus albacares</i>): — — — For the industrial manufacture of products falling within heading No 1604 ⁽¹⁾ : — — — — Whole:			
0303 42 11	— — — — Weighing not more than 10 kg each	25 ⁽²⁾ ⁽³⁾	20 ⁽²⁾ ⁽⁴⁾	—
0303 42 19	— — — — Other	25 ⁽²⁾ ⁽³⁾	20 ⁽²⁾ ⁽⁴⁾	—
0303 42 31 to 0303 50 90	(unchanged)			
0303 60	— Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), excluding livers and roes:			
0303 60 10	— — Of the species <i>Gadus morhua</i> and <i>Gadus ogac</i>	15	15 ⁽⁵⁾ ⁽⁶⁾	—
0303 60 90 to 0303 78	(unchanged)			
0303 78 10	— — — Hake of the genus <i>Merluccius</i>	15	15 ⁽⁷⁾	—
0303 78 90 to 0303 79 37	(unchanged)			
0303 79 41	— — — — Fish of the species <i>Boreogadus saida</i>	15	12 ⁽⁵⁾	—
0303 79 45 to 0303 80 00	(unchanged)			

⁽¹⁾ Entry under this subheading is subject to conditions laid down in the relevant Community provisions.

⁽²⁾ Subject to compliance with the reference price. A countervailing tax is provided for in the case of non-compliance with the reference price.

⁽³⁾ Total suspension for an indefinite period.

⁽⁴⁾ Duty exemption in respect of tuna and fish of the genus *Euthynnus*, falling within heading Nos 0302 and 0303, intended for the canning industry, within the limits of a global annual tariff quota of 17 250 tonnes to be granted by the competent Community authorities and subject to compliance with the reference price. Qualification for this quota is subject to conditions laid down in the relevant Community provisions.

⁽⁵⁾ Subject to limits and conditions to be determined by the competent authorities.

⁽⁶⁾ Duty rate reduced to 12 % for cod of the species *Gadus morhua*.

⁽⁷⁾ Duty rate reduced to 8 % for silver hake (*Merluccius bilinearis*) falling within subheadings 0302 69 65, 0303 78 10 and 0304 90 47, within the limits of a global annual tariff quota of 2 000 tonnes to be granted by the competent Community authorities.

CN code	Description	Rate of duty		Supplementary unit
		autonomous (%) or levy (AGR)	conventional (%)	
1	2	3	4	5
0304 to 0304 20 19	(unchanged) — — Of cod (<i>Gadus morhua</i> , <i>Gadus macrocephalus</i> , <i>Gadus ogac</i>) and of fish of the species <i>Boreogadus saida</i> :			
0304 20 21	(unchanged)			
0304 20 29	— — — Other	18	15 ⁽¹⁾ ⁽²⁾	—
0304 20 31 to 0304 20 53	(unchanged)			
0304 20 57	— — — Of hake of the genus <i>Merluccius</i>	18	15 ⁽³⁾ ⁽⁴⁾	
0304 20 59 to 0304 90 31	(unchanged) — — — Of cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and of fish of the species <i>Boreogadus saida</i> :			
0304 90 35	(unchanged)			
0304 90 37	— — — — Other	15	15 ⁽¹⁾ ⁽⁵⁾	
0304 90 41 to 0304 90 45	(unchanged)			
0304 90 47	— — — — Of hake of the genus <i>Merluccius</i>	15	15 ⁽⁶⁾	—
0304 90 49 to 0304 90 99	(unchanged)			

⁽¹⁾ Subject to limits and conditions to be determined by the competent authorities.

⁽²⁾ Duty rate reduced to 8 % for cod of the species *Gadus morhua* within the limits of an annual tariff quota of 10 000 tonnes to be granted by the competent Community authorities.

⁽³⁾ Subject to compliance with the reference price.

⁽⁴⁾ Duty rate reduced to 10 % subject to compliance with the reference price, for frozen fillets presented as industrial blocks, with bones (standard) within the limits of an annual tariff quota of 5 000 tonnes, for the period 1 July to 31 December, to be granted by the competent Community authorities.

⁽⁵⁾ Duty rate reduced to 12 % for cod of the species *Gadus morhua*.

⁽⁶⁾ Duty rate reduced to 8 % for silver hake (*Merluccius bilinearis*) falling within subheadings 0302 69 65, 0303 78 10 and 0304 90 47, within the limits of a global annual tariff quota of 2 000 tonnes to be granted by the competent Community authorities.

CN code	Description	Rate of duty		Supplementary unit
		autonomous (%) or levy (AGR)	conventional (%)	
1	2	3	4	5
0306 to 0306 11	(unchanged)			
0306 12	— — Lobsters (<i>Homarus</i> spp.):			
0306 12 10	— — — Whole.....	25	8 ⁽¹⁾	—
0306 12 90 to 0306 21 00	(unchanged)			
0306 22	— — Lobsters (<i>Homarus</i> spp.):			
0306 22 10	— — — Live.....	25	8 ⁽¹⁾	—
	— — — Other:			
0306 22 91	— — — — Whole.....	25	8 ⁽¹⁾	—

⁽¹⁾ Subject to limits and conditions to be determined by the competent authorities.

The following amendments shall be made to the footnotes to Chapter 3:

Replace footnote ⁽⁴⁾ on page 46, footnote ⁽⁵⁾ on pages 47 and 48, footnote ⁽³⁾ on page 49 and footnote ⁽⁴⁾ on page 51 by the following:

'Duty exemption in respect of tuna and fish of the genus *Euthynnus*, falling within headings Nos 0302 and 0303, intended for the canning industry, within the limits of a global annual tariff quota of 17 250 tonnes to be granted by the competent Community authorities and subject to compliance with the reference price. Qualification for this quota is subject to conditions laid down in the relevant Community provisions.'

Replace footnote ⁽¹⁾ on page 48, footnote ⁽³⁾ on page 50 and footnote ⁽⁴⁾ on page 53 by the following:

'Duty rate reduced to 8 % for silver hake (*Merluccius bilinearis*) falling within subheadings 0302 69 65, 0303 78 10 and 0304 90 47, within the limits of a global annual tariff quota of 2 000 tonnes to be granted by the competent Community authorities.'

Replace footnote ⁽⁵⁾ on pages 46 and 49, footnote ⁽¹⁾ on page 52 and footnote ⁽²⁾ on page 53 by the following:

'Duty exemption for herring falling within subheadings 0302 40 90, 0303 50 90, 0304 10 99 and 0304 90 25, within the limits of a global annual tariff quota of 34 000 tonnes to be granted by the competent Community authorities and subject to compliance with the reference price.'

Replace footnote ⁽¹⁾ on page 47 and footnote ⁽²⁾ on page 50 by the following:

'Duty rate reduced to 6 % in respect of piked dogfish (*squalus acanthias*) falling within subheadings 0302 65 10 and 0303 75 10 within the limits of a global annual tariff quota of 5 000 tonnes to be granted by the competent Community authorities.'

CN code	Description	Rate of duty		Supplementary unit
		autonomous (%) or levy (AGR)	conventional (%)	
1	2	3	4	5
1604 to 1604 11 00	(unchanged)			
1604 12	— — Herrings:			
1604 12 10	— — — Fillets, raw, merely coated with batter or breadcrumbs, whether or not prefried in oil, deep frozen	18	15	—
1604 12 90 to 1604 19 50	(unchanged)			
	— — — Other:			
1604 19 91	— — — — Fillets, raw, merely coated with batter or breadcrumbs, whether or not prefried in oil, deep frozen	18	15	—
1604 19 99 to 1604 30 90	(unchanged)			

The following Additional Notes shall be introduced.

(a) 'SECTION XI

Additional Note

For the application of Note 13 to this Section, the term "textile garments" means garments of headings Nos 6101 to 6114 and of headings Nos 6201 to 6211.'

(b) 'CHAPTER 53

Additional Note

(A) For the purposes of subsections 5306 1090, 5306 2090 and 5308 2090, the expression "put up for retail sale" in relation to yarn (single, multiple or cabled) means, subject to the exceptions in paragraph (B) below, yarn put up:

- (a) in balls or on cards, reels, tubes or similar supports, of a weight (including support) not exceeding 200 grams;
- (b) in hanks or skeins of a weight not exceeding 125 grams;
- (c) in hanks or skeins comprising several smaller hanks or skeins separated by dividing threads which render them independent one of the other, each of uniform weight not exceeding 125 grams.

(B) Exceptions:

- (a) multiple or cabled yarn, unbleached, in hanks or skeins;
- (b) multiple or cabled yarn, put up:
 - (i) in cross-reeled hanks or skeins; or
 - (ii) put up on supports or in some other manner indicating its use in the textile industry (for example, on cops, twisting mill tubes, pirns, conical bobbins or spindles, or reeled in the form of cocoons for embroidery looms).'

(c) 'CHAPTER 61

Additional Note

For the purposes of heading No 6109, the terms singlets and other vests include garments, even if of a fancy design, worn next to the body, without collar, with or without sleeves, including those with shoulder straps.

These garments, which are intended to cover the upper part of the body, often possess many characteristics in common with those of T-shirts or with other more traditional kinds of singlets and other vests of heading No 6109.

However, garments having a ribbed waistband, drawstring or other means of tightening at the bottom are excluded from heading No 6109.'

CN-code	Description	Rate of duty		Supplementary unit
		autonomous (%) or levy (AGR)	conventional (%)	
1	2	3	4	5
8516 to 8516 40 90 8516 50 00 8516 60 to 8516 90 00	(unchanged) — Microwave ovens (unchanged)	19	5,1	p/st
8518 to 8518 30 90 8518 40 8518 40 10 to 8518 40 91 8518 40 99	(unchanged) — Audio-frequency electric amplifiers: (unchanged) — — — Other	18	4,9	p/st
8519 to 8519 40 00 8519 91 10 to 8519 99 8519 99 10 8519 99 90	(unchanged) — Other sound reproducing apparatus: (unchanged) — — — With laser optical reading system (unchanged)	19	13,5	p/st
8520 to 8520 20 00 8520 31 8520 31 11 8520 31 19 8520 31 30 8520 31 90 8520 39 to 8520 90 90	(unchanged) — Other magnetic tape recorders incorporating sound reproducing apparatus: — — Cassette-type: — — — With built-in amplifier and one or more built-in loudspeakers: — — — — Capable of operating without an external source of power — — — — Other — — — With built-in amplifier, without built-in loudspeaker, capable of operating without an external source of power and the dimensions of which do not exceed 170 × 100 × 45 mm — — — Other (unchanged)	16 16 16 16	Free 7 Free 7	p/st p/st p/st p/st