I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 314/94

of 7 February 1994

opening and providing for the administration of Community tariff quotas and ceilings for certain agricultural and industrial products originating in Romania and Bulgaria (1994)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas the Europe Agreements between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, on the one hand, and Romania and Bulgaria, on the other hand, were signed on 1 February 1993 and 8 March 1993 respectively; whereas pending the entry into force of these Agreements, the Community has concluded Interim Agreements [1], [2] on trade and trade-related measures with these countries, which were also signed on 1 February and 8 March 1993 and implemented on 1 May 1993 (Romania) and 31 December 1993 (Bulgaria);

Whereas Articles 4 and 15 of the Interim Agreements stipulate that certain products originating in the countries in question may attract a reduced or zero rate of duty on import into the Community, within the limits of tariff quotas or ceilings; whereas, pursuant to the provisions annexed to those Agreements, the volumes of the tariff quotas and ceilings established when the Europe Agreements were signed must be increased, from the date on which the Interim Agreements enter into force, by a percentage specific to each country and category of products;

Whereas the Interim Agreements have been amended by Additional Protocols initialled with the countries in question, the aim of which is to improve access to the Community market for products from those countries, in particular those listed in Annexes III, XII b (Romania) and XIII b (Bulgaria) to the Interim Agreements; whereas it is accordingly necessary to increase the tariff quotas and ceilings for the industrial products listed in Annex I to this Regulation by 10 % of the basic volume shown in Annex III to the several Interim Agreements from 1 July 1994, and to provide for the application from 1 January to 30 June 1994 of the tariff quotas for the agricultural products listed in Annex II to this Regulation, the volumes of which are to be adjusted pro rata, it being necessary to bring forward by six months the concessions granted for the third year of the Interim Agreements; whereas the tariff quota and ceiling volumes should be increased on 1 July 1994 by 10 % of the basic volumes laid down in the Interim Agreements;

Whereas it seems advisable, in the interests of clarity, to divide the products subject to tariff ceilings and quotas into two groups, in Annexes I and II to this Regulation, one for industrial products and one for agricultural products, specifying for each product the volume of its quota or ceiling and the rate of customs duty applicable;

Whereas the decision for the opening of Community quotas should be taken by the Community, in the execution of its international obligations, in the case of the products listed in Annexes I and II to this Regulation; whereas particular care should be taken to ensure that all Community importers have equal and continuous access to those quotas and that the rates laid down for the quotas are applied uninterruptedly to all imports of the products in question into all Member States until the quotas are exhausted; whereas, to ensure the efficiency of a common administration of these quotas, there is no obstacle to authorizing the Member States to draw from the quota volumes the necessary quantities corresponding to actual imports; whereas, however, 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, in the case of the products listed in Annex I to this Regulation which are subject to Community tariff ceilings, Community surveillance may be achieved by

[1] OJ No L 81, 2. 4. 1993, p. 2.
[2] OJ No L 323, 23. 12. 1993, p. 2.

means of an administrative procedure based on charging imports of the products in question against the ceilings at Community level as and when products are entered with the customs authorities for free circulation;

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 monitor quantities charged against the ceilings and inform the Member States accordingly; whereas this cooperation has to be particularly close, since the Commission must be able to take appropriate measures to re-establish customs duties once a ceiling is reached;

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 these tariff measures may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1994 goods originating in Romania and from 31 December 1993 to 31 December 1994 goods originating in Bulgaria which are listed in Annex I to this Regulation shall be subject to Community tariff quotas or ceilings, according to the provisions contained within the said Annex.

2. From 1 January to 30 June 1994 for Romania, and from 31 December 1993 to 30 June 1994 for Bulgaria, goods which are listed in Annex II to this Regulation shall be subject to tariff quotas in accordance with the provisions contained within the said Annex.

Article 2

1. The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take all appropriate administrative measures in order to ensure efficient administration thereof.

2. Where an importer declares a product covered by this Regulation for free circulation in a Member State and applies to take advantage of the preferential arrangements, and that 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 quota volume.

Requests for drawings, indicating the date of acceptance of the said declarations, must be sent to the Commission without delay.

The drawings shall be granted by the Commission by reference to the date of acceptance of the declaration for free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

3. If a Member State does not use the quantities drawn, it shall return them to the corresponding quota volume as soon as possible.

4. If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated on a pro rata basis. The Commission shall inform the Member States of the drawings made.

Article 3

1. Quantities shall be charged against the ceilings as and when products are declared to the customs authorities for free circulation.

Goods may be charged against a ceiling only if the movement certificate is presented before the date on which levying of customs duties is re-established.

2. The level of utilization of the ceilings shall be determined at Community level on the basis of the imports charged against them in accordance with paragraph 1.

Member States shall send the Commission, not later than the 15th day of each month, statements of the quantities charged during the preceding month.

3. As soon as the ceilings have been reached, the Commission may adopt a regulation re-establishing the customs duties applicable to the third countries in question until the end of the calendar year.

When the adoption of such a regulation is requested by a Member State, the Commission shall examine the request within the following five days and shall inform the requesting Member State of the action it considers it should take as a result of the request, in the light in particular, of the statements sent as provided for in paragraph 2.

Article 4

The Protocol on the definition of the concept of originating products and methods of administrative cooperation, annexed to the Interim Agreements between the European Community and the European Coal and Steel Community, on the one hand, and Romania and Bulgaria, on the other hand, shall apply.

Article 5

In order to ensure compliance with this Regulation, the Commission shall take all appropriate measures, in close cooperation with the Member States.

Article 6

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 31 December 1993.

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

Done at Brussels, 7 February 1994.

For the Council

The President

Th. PANGALOS

ANNEX I

List of industrial products subject to ceilings or quotas fixed duty-free amounts (1)

Order No	CN code	Beneficiary country (2)	Quota volume (ECU)	Ceiling (ECU)
(1)	(2)	(3)	(4)	(5)
09.6001	2523 10 00 2523 21 00 2523 29 00 2523 30 00 2523 90 10 2523 90 30 2523 90 90 2523	RO	21 943 600	
21.1001	2815 20	RO		324 800
09.6003	2836 20 00 2836 30 00	RO	5 402 600	
21.1061	2836 20 00 2836 30 00	BU		5 578 857
21.1003	2836 60 00	RO		1 450 400
09.6005	2841 30 00	RO	616 000	
21.1005	2902 50 00	RO		13 776 000
21.1007	2903 51	RO		551 600
09.6007	2905 11 00	RO	12 965 400	
09.6009	2905 14 90	RO	1 135 400	
09.6201	2905 31 00	BU	5 857 164	
21.1009	2914 11 00	RO		2 156 000
21.1011	2915 31 00	RO		744 800
21.1013	2917 12 10	RO		407 400
21.1063	2918 14 00	BU		542 163
21.1015	2918 21 00	RO		305 200
21.1017	2918 22 00	RO		275 800
21.1019	2921 19 30	RO		375 200
21.1021	2923 10 10	RO		421 400
21.1023	2926 10 00	RO		4 401 600
09.6011	2933 61 00	RO	1 800 000	
21.1065	2933 90 20	BU		296 582
21.1067	2936 27 00	BU		1 384 523
21.1025	2941 30 00	RO		7 267 400
09.6013	3102 10 10	RO	586 600	
09.6203	3102 10 10	BU	588 950	
21.1057	3102 10 91 3102 21 00 3102 29 00 3102 50 90 3102 60 00 3102 70 00 3102 90 00	RO		406 000

(1) The wording for the description of the products covered by this Annex is that of the combined nomenclature (OJ No L 241, 27. 9. 1993). For products having a Taric code, the description of the combined nomenclature is completed by the description of products shown in footnote (a).

(2) RO = Romania;
BU = Bulgaria.

(1)	(2)	(3)	(4)	(5)
09.6205	3102 10 90 3102 21 00 3102 29 00 3102 50 90 3102 60 00 3102 70 00 3102 90 00	BU	815 000	
09.6015	3102 30 10 3102 30 90	RO	1 575 000	
09.6207	3102 30 10 3102 30 90	BU	1 581 308	
09.6017	3102 40 10 3102 40 90	RO	3 557 400	
21.1069	3102 40 10 3102 40 90	BU		3 571 647
09.6019	3102 80 00	RO	1 988 000	
09.6209	3102 80 00	BU	3 991 925	
09.6021	3105	RO	7 100 800	
21.1071	3105	BU		7 129 239
20.1029	3923 21 00	RO		6 760 600
21.1031	4011 10 00 4011 20 4011 30 90 4011 91 4011 99 4012 10 80 4012 20 90 4012 90 10 4012 90 90 4013 10 10 4013 10 90 4013 90 90	RO		9 261 000
21.1033	4202 11 10 4202 11 90 4202 12 91 4202 12 99 4202 19 91 4202 19 99 4202 21 00 4202 22 90 4202 29 00 4202 31 00 4202 32 90 4202 39 00 4202 91 10 4202 91 50 4202 91 90 4202 92 91 4202 92 95 4202 92 99 4202 99 10 4202 99 90	RO		9 261 000
21.1035	4203 10 00 4203 21 00 4203 29 91 4203 29 99 4203 30 00 4203 40 00	RO		9 724 000
21.1037	4302 30 10 4303	RO		3 550 400
09.6023	4411	RO	7 560 000	

(1)	(2)	(3)	(4)	(5)
21.1039	4418 10 00 4418 20 10 4418 20 90 4418 30 10 4418 30 91 4418 30 99 4418 40 00 4418 90 00	RO		15 072 400
09.6025	6403	RO	4 800 000	
21.1073	6403	BU		6 198 728
21.1041	6908	RO		5 635 000
09.6027	6911	RO	1 020 000	
21.1075	6911	BU		2 479 492
09.6029	7004	RO	2 640 000	
09.6031	7013	RO	5 760 000	
09.6033	7207 19 39 7207 20 79 7216 60 11 7216 60 19 7216 60 90 7216 90 50 7216 90 60 7216 90 91 7216 90 93 7216 90 95 7216 90 97 7216 90 98	RO	666 400	
09.6035	7217 11 10 7217 11 91 7217 11 99 7217 12 10 7217 12 90 7217 13 11 7217 13 19 7217 13 91 7217 13 99 7217 19 10 7217 19 90 7217 21 00 7217 22 00 7217 23 00 7217 29 00	RO	2 812 600	
09.6037	7304 10 10 7304 10 30 7304 10 90 7304 20 91 7304 20 99 7304 31 91 7304 31 99 7304 39 10 7304 39 51 7304 39 59 7304 39 91 7304 39 93 7304 39 99 7304 41 90 7304 49 10 7304 49 91 7304 49 99 7304 51 11 7304 51 19 7304 51 91 7304 51 99 7304 59 10 7304 59 31	RO	12 154 800	

(1)	(2)	(3)	(4)	(5)
09.6037 *(cont'd)*	7304 59 39 7304 59 91 7304 59 93 7304 59 99 7304 90 90 7305 11 00 7305 12 00 7305 19 00 7305 20 10 7305 20 90 7305 31 00 7305 39 00 7305 90 00 7306 10 11 7306 10 19 7306 10 90 7306 20 00 7306 30 21 7306 30 29 7306 30 51 7306 30 59 7306 30 71 7306 30 78 7306 30 90 7306 40 91 7306 40 99 7306 50 91 7306 50 99 7306 60 31 7306 60 39 7306 60 90 7306 90 00			
21.1043	7318 15 81	RO		1 560 000
21.1045	8203 20 10 8203 20 90	RO		4 321 800
21.1047	8482 10 10	RO		4 200 000
21.1049	8527 11 10 8527 11 90 8527 21 10 8527 21 90 8527 29 00 8527 31 10 8527 31 91 8527 31 99 8527 32 90 8527 39 10 8527 39 91 8527 39 99 8527 90 91 8527 90 99 8528 10 61 8528 10 69 8528 10 80 8528 10 91 8528 10 98 8528 20 20 8528 20 71 8528 20 73 8528 20 79 8528 20 91 8528 20 99 8529 10 20 8529 10 31 8529 10 39 8529 10 40	RO		6 483 400

(1)	(2)	(3)	(4)	(5)
21.1049 *(cont'd)*	8529 10 50 8529 10 70 8529 10 90 8529 90 70 8529 90 98			
21.1051	8539 10 90 8539 21 30 8539 21 91 8539 21 99 8539 22 10 8539 22 90 8539 29 31 8539 29 39 8539 29 91 8539 29 99	RO		2 755 200
21.1053	8703 21 10 8703 22 11 8703 22 19 8703 23 11 8703 23 19 8703 31 10 8703 32 11 8703 32 19 8703 33 11 * 10 (a) 8703 33 19 * 10 (a) 8703 90 90 * 11 (a)	RO		118 309 800
09.6039	9401 20 00 9401 30 10 9401 30 90 9401 40 00 9401 50 00 9401 61 00 9401 69 00 9401 71 00 9401 79 00 9401 80 00 9401 90 30 9401 90 80	RO	27 600 000	
09.6041	9403 10 10 9403 10 51 9403 10 59 9403 10 91 9403 10 93 9403 10 99 9403 20 91 9403 20 99 9403 30 11 9403 30 19 9403 30 91 9403 30 99 9403 40 00 9403 50 00 9403 60 10 9403 60 30 9403 60 90 9403 70 90 9403 90 10 9403 90 30 9403 90 90	RO	78 000 000	
09.6043	9405 91 19	RO	1 544 200	

(a) The following products with a Taric code are defined as:

8703 33 11 * 10 : Motor caravans, new, of a cylinder capacity exceeding a 2 500 cm^3 but not exceeding 3 000 cm^3,

8703 33 19 * 10 : Other vehicles, new, with compression-ignition internal combustion piston engine (diesel or semi-diesel), of a cylinder capacity exceeding 2 500 cm^3, but not exceeding 3 000 cm^3,

8703 90 90 * 11 : Vehicles other than with electric motors, new, of a cylinder capacity not exceeding 3 000 cm^3.

ANNEX II

List of agricultural products subject to reduced duty tariff quotas (1)

Order No	CN code	Description	Beneficiary country (2)	Quota volume (tonnes)	Duty to be applied
(1)	(2)	(3)	(4)	(5)	(6)
09.6221	0603 10 13	Cut flowers, fresh	BU	70,3	12
	0603 10 51				10,2
	0603 10 53				10,2
	0603 10 55				10,2
09.6223	0701 90 51	Potatoes	BU	984,9	9
	0701 90 59				12,6
	0701 90 90				10,8
09.6101	0702 00 10	Tomatoes	RO	1 780	8,8 (min. ECU 2 /100 kg net)
	0702 00 90				14,2 (min. ECU 3,5/100 kg net)
09.6225	0702 00 10	Tomatoes	BU	326,7	8,8 (min. ECU 2 /100 kg net)
	0702 00 90				14,4 (min. ECU 3,5/100 kg net)
09.6103	0703 10 19	Onions	RO	70	7,2
09.6227	0703 10 19	Onions	BU	120,6	7,2
09.6229	0703 20 00	Garlic	BU	271,4	7,2
09.6105	0704 10 10	Cabbages	RO	825	10,2 (min. ECU 2 /100 kg net)
	0704 90 10	White/red cabbages			9 (min. ECU 0,5/100 kg net)
	0704 90 90	Other			9
09.6107	0707 00 11	Cucumbers	RO	810	10,2
09.6231	0707 00 11	Cucumbers	BU	346,7	9,6
	0707 00 90	Gherkins			9,6
09.6109	0708 20 10	Beans, fresh	RO	70	7,8 (min. ECU 2 /100 kg net)
	0708 20 90				10,2 (min. ECU 2 /100 kg net)
09.6111	0709 60 10	Sweet peppers	RO	935	5,4
09.6233	0709 60 10	Sweet peppers, fresh	BU	412	5,4
09.6113	0710 21 00	Peas, frozen	RO	60	10,8
	0710 22 00	Beans, frozen			10,8
	0710 29 00	Other, frozen			10,8
09.6235	0710 21 00	Peas, frozen	BU	145,7	10,8
	0710 22 00	Beans, frozen			10,8
	0710 29 00	Other, frozen			10,8
09.6237	0710 80 85	Other vegetables, frozen	BU	226,1	10,8
	0710 80 95				
09.6115	ex 0711 90 40	Mushrooms (b)	RO	170	9,6
	2003 10 20				
	2003 10 30				
09.6239	ex 0711 90 40	Mushrooms (b)	BU	593,1	9,6
	2003 10 20				
	2003 10 30				
09.6241	0713 40 90	Lentils, other	BU	120,6	1,2
09.6117	0802 31 00	Walnuts in shell	RO	110	4,8
	0802 32 00	Shelled			4,8
09.6243	0802 31 00	Walnuts in shell	BU	180,9	4,8
	0802 32 00	Shelled			4,8

(1) The wording for the description of the products covered by this Annex is that of the combined nomenclature (OJ No L 241, 27. 9. 1993).

(2) RO = Romania
BU = Bulgaria

(b) These CN codes are subject to the import regime laid down in Regulation (EEC) No 1796/81 (OJ No L 183, 4. 7. 1981, p. 1). Regulation as last amended by Regulation (EEC) No 1122/92 (OJ No L 117, 1. 5. 1993, p. 98).

(1)	(2)	(3)	(4)	(5)	(6)
09.6245	0806 10 19	Grapes, from 15 July to 31 October	BU	160,8	13,2
	0806 10 99	Other grapes, from 15 July to 31 October			13,2
09.6119	0808 10 31	Apples, other than for cider	RO	55	8,4 (min. ECU 2,4 /100 kg net)
	0808 10 33				4,8 (min. ECU 2,3 /100 kg net)
	0808 10 39				
	0808 10 51				
	0808 10 53				
	0808 10 59				
09.6247	0808 10 10	Apples	BU	346,7	5,4 (min. ECU 0,45/100 kg net)
	0808 10 31	Other apples			8,4 (min. ECU 2,4 /100 kg net)
	0808 10 33				8,4 (min. ECU 2,4 /100 kg net)
	0808 10 39				8,4 (min. ECU 2,4 /100 kg net)
09.6249	0808 20 10	Pears	BU	985	5,4 (min. ECU 0,45/100 kg net)
	0808 20 39				7,8 (min. ECU 2 /100 kg net)
09.6251	0808 20 90	Quinces	BU	80,4	5,4
09.6121	0809 10 00	Apricots	RO	450	15
09.6253	0809 10 00	Apricots	BU	60,3	15
09.6255	0809 30	Peaches	BU	219,1	13,2
09.6123	0809 40 11	Plums	RO	980	9 (min. ECU 3 /100 kg net)
	0809 40 19				4,8
09.6257	0809 40 11	Plums	BU	2 346,6	9 (min. ECU 3 /100 kg net)
09.6259	0809 40 10	Plums	BU	542,7	4,8
09.6125	0811 10 10	Strawberries	RO	940	9,6 (min. ECU 3 /100 kg net)
09.6127	0811 10 90	Strawberries	RO	190	8,4
09.6261	0810 10 10	Strawberries	BU	839,2	9,6 (min. ECU 3 /100 kg net)
	0810 10 90				8,4
09.6129	0812 10 00	Cherries	RO	41	6,6
09.6263	0812 10 00	Cherries	BU	363,8	6,6
09.6265	0812 90 00	Apricots, preserved	BU	42,2	9,6
09.6131	0813 10 00	Apricots, dried	RO	310	4,2
	0813 20 00	Prunes, dried			7,2
	0813 30 00	Apples, dried			4,8
	0813 40 80	Other			3,6
09.6267	0813 40 80	Other fruits, dried	BU	246,2	3,6
09.6133	1209 25 80	Seeds, fruit and spores	RO	165	2,4
	1209 29 80				3
	1209 91 90				4,2
	1209 99 91				3,6
	1209 99 99				4,2
09.6135	1212 99 10	Chicory roots	RO	185	1,2
09.6269	1210 10 00	Hops	BU	120,6	5,4
	1210 20				
09.6271	1209 21 00	Seeds, fruit and spores	BU	437,2	3
	1209 22 00				2,4
	1209 25 90				2,4
	1209 29 10				2,4
	1209 29 80				3
	1209 91 90				4,2
	1209 99 99				4,2
09.6273	1501 00 11	Lard for industrial use	BU	1 909,5	1,8
09.6137	1512 11 91	Sunflower-seed oil	RO	1 475	6
	1512 19 91	Sunflower-seed oil, other			9
09.6275	1512 11 91	Sun-flower seed oil	BU	135,6	6
09.6139	1602 31 11	Preserved meat of turkey	RO	165	10,2
09.6277	1602 31 11	Preserved meat of turkey	BU	82,4	10,2
	1602 39 19	Other			10,2

(1)	(2)	(3)	(4)	(5)	(6)
09.6141	2001 10 00 2001 90 90	Cucumbers preserved Other	RO	55	13,2 12
09.6279	2001 10 00	Cucumbers preserved	BU	959,8	13,2
09.6281	2002 10 10 2002 10 90	Tomatoes, preserved	BU	3 432,9	14,4 14,4
09.6283	2002 90 10 2002 90 30 2002 90 90	Tomatoes, preserved	BU	3 573,6	14,4 14,4 14,4
09.6143	2002 90 31 2002 90 39 2002 90 91 2002 90 99	Tomatoes, prepared	RO	295	14,4 14,4
09.6145	2005 40 00	Peas	RO	65	14,4
09.6285	2007 99 33	Jam of strawberries	BU	46,2	18 + AD S/Z
09.6287	2008 50 71 2008 50 79 2008 50 91	Apricots, preserved	BU	145,7	14,4 + AD S/Z 14,4 + AD S/Z 10,2 + AD S/Z
09.6289	2008 60 69	Cherries, preserved	BU	36,2	14,4 + AD S/Z
09.6291	2008 70 79	Peaches, preserved	BU	216,7	13,2
09.6293	2008 80 70	Strawberries, preserved	BU	208,4	14,4 + AD S/Z
09.6295	2008 99 55	Plums, preserved	BU	70,3	14,4 + AD S/Z
09.6147	2009 70 19	Apple juice	RO	570	25,2
09.6297	2009 70 19	Apple juice	BU	1 552,7	25,2
09.6149	2401 10 60 2401 10 70 2401 20 60 2401 20 70	Tobacco	RO	1 375	9 (min. ECU 17/100 kg net)
09.6299	2401 10 60 2401 10 70 2401 20 60 2401 20 70	Tobacco	BU	3 016	9 (min. ECU 17/100 kg net) 9 9 9