

## COMMISSION REGULATION (EEC) No 358/89

of 13 February 1989

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European 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<sup>(1)</sup>, as amended by Regulation (EEC) No 3551/88<sup>(2)</sup>, and in particular Article 5 (2) (b) thereof,

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

Whereas Council Regulations (EEC) No 3005/88<sup>(3)</sup>, (EEC) No 3175/88<sup>(4)</sup>, (EEC) No 3552/88<sup>(5)</sup> and (EEC) No 4078/88<sup>(6)</sup> open and provide for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

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

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

Whereas Commission Regulation (EEC) No 3557/88<sup>(7)</sup> fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88<sup>(8)</sup>, as amended by Regulation (EEC) No 3556/88<sup>(9)</sup>, laid down detailed rules for the application of these arrangements;

Whereas to permit the import arrangements to function in the normal manner prices on importation should be calculated using

- for currencies maintained against each other within a maximum spread at any given moment for spot rate transactions of 2,25 % a conversion rate based on their central rate multiplied by the correcting factor provided for in the last subparagraph of Article 3 (1) of Council Regulation (EEC) No 1676/85<sup>(10)</sup>, as last amended by Regulation (EEC) No 1636/87<sup>(11)</sup>,
- for other currencies a conversion rate based on the arithmetic mean of the spot market rate of the currency, recorded for a given period, against the Community currencies indicated in the preceding indent and of the aforesaid coefficient;

Whereas the preferential customs duty fixed for large-flowered roses originating in Morocco by Regulation (EEC) No 3552/88 was suspended by Commission Regulation (EEC) No 53/89<sup>(12)</sup>;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of large-flowered roses (CN code ex 0603 10 51) originating in Morocco the preferential customs duty set by Regulation (EEC) No 3552/88 is reintroduced with effect from 14 February 1989.

*Article 2*

This Regulation shall enter into force on 14 February 1989.

<sup>(1)</sup> OJ No L 382, 31. 12. 1987, p. 22.<sup>(2)</sup> OJ No L 311, 17. 11. 1988, p. 1.<sup>(3)</sup> OJ No L 271, 1. 10. 1988, p. 7.<sup>(4)</sup> OJ No L 283, 18. 10. 1988, p. 1.<sup>(5)</sup> OJ No L 311, 17. 11. 1988, p. 2.<sup>(6)</sup> OJ No L 359, 28. 12. 1988, p. 8.<sup>(7)</sup> OJ No L 311, 17. 11. 1988, p. 9.<sup>(8)</sup> OJ No L 72, 18. 3. 1988, p. 16.<sup>(9)</sup> OJ No L 311, 17. 11. 1988, p. 8.<sup>(10)</sup> OJ No L 164, 24. 6. 1985, p. 1.<sup>(11)</sup> OJ No L 153, 13. 6. 1987, p. 1.<sup>(12)</sup> OJ No L 9, 12. 1. 1989, p. 19.

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

Done at Brussels, 13 February 1989.

*For the Commission*  
Ray MAC SHARRY  
*Member of the Commission*

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