

COUNCIL REGULATION (EEC) No 451/89

of 20 February 1989

concerning the procedure to be applied to certain agricultural products originating in various Mediterranean third countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Article 2

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 protocols to the Agreements between, on the one hand, the European Economic Community and, on the other hand, Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey and Yugoslavia have been concluded;

Whereas, for certain agricultural products concerned by the said Agreements and originating in those countries, those protocols provide for a progressive reduction of certain duties applied to those products; whereas certain of those products are subject to reference quantities;

Whereas, under the terms of the said protocols, the possibility exists of modifying the status of those products in the event of difficulties on the Community market or when the reference quantities are exceeded;

Whereas procedures should be established for the modification of the status of such products so as to make them subject to reference quantities in the event of such difficulties or to tariff quotas when the reference quantities are exceeded; whereas those procedures should be conducted through the Management Committee relevant to the products in question;

Whereas such a modification of status should be based on an annual review of trade flows by product and by country; whereas the object of that review is to follow developments in trade, to prevent market disruptions and to ascertain the extent to which the objective of maintaining traditional patterns of trade with the countries concerned has been achieved,

HAS ADOPTED THIS REGULATION:

Article 1

At the end of each marketing year, the Commission shall establish a review, by product and by country, of trade flows in the products referred to in Annexes I and II originating in Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey and Yugoslavia, in order to prevent market disturbances.

1. If taking account of the review referred to in Article 1, the Commission established that the volume of imports of a product listed in Annex I originating in Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey or Yugoslavia is increasing to such an extent that those imports threaten to cause difficulties on the Community market, it shall implement the procedure provided for either in Article 26 of Regulation (EEC) No 2727/75⁽¹⁾, as last amended by Regulation (EEC) No 166/89⁽²⁾, or, as appropriate, in the corresponding articles of the other Regulations on the common organization of the agricultural markets or, for the products for which Community rules have not instituted a Management Committee, the procedure provided for by Article 32 of Regulation (EEC) No 1035/72⁽³⁾, as last amended by Regulation (EEC) No 2238/88⁽⁴⁾, with a view to establishing a reference quantity for the product and the origin in question. If, over two consecutive years, this reference quantity is not reached, it shall cease to have effect.

2. For the preparation of the review mentioned in paragraph 1, the products concerned shall be monitored under the statistical system provided for by Article 5 of Regulation (EEC) No 2658/87⁽⁵⁾, as last amended by Regulation (EEC) No 20/89⁽⁶⁾.

3. Article 3 shall apply to the products for which the Commission has established a reference quantity in accordance with paragraph 1.

Article 3

1. Where a reference quantity established under Article 2 or concerning a product listed in Annex II originating in a country mentioned in that Annex is exceeded, and in the light of the review referred to in Article 1, the Commission shall implement the procedure provided for either in Article 26 of Regulation (EEC) No 2727/75 or, as appropriate, in the corresponding articles of the other Regulations on the common organization of the agricultural markets, or, for the products for which Community rules have not instituted a Management Committee, the procedure provided by Article 32 of Regulation (EEC) No 1035/72, in order to make the product in question subject to a Community tariff quota equal to the said reference quantity.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 20, 25. 1. 1989, p. 16.

⁽³⁾ OJ No L 118, 20. 5. 1972, p. 12.

⁽⁴⁾ OJ No L 198, 26. 7. 1988, p. 1.

⁽⁵⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁶⁾ OJ No L 4, 6. 1. 1989, p. 19.

The arrangements for implementing this Article shall be adopted in accordance with the procedure provided for in Article 26 of Regulation (EEC) No 2727/75.

2. For the preparation of the review referred to in Article 1, the products concerned shall be subject to the surveillance procedure determined by Regulation (EEC) No 452/89⁽¹⁾.

Article 4

This Regulation shall enter into force on the day 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, 20 February 1989.

For the Council

The President

F. FERNANDEZ ORDOÑEZ

⁽¹⁾ See page 15 of this Official Journal.

ANNEX I

Agricultural products included in the additional protocols concluded with the Mediterranean countries and subject to a statistical monitoring procedure

CN code	Description (1)
0101 19 10	Horses for slaughter
0101 19 90	Horses other than for slaughter
0102 90 31	Babybeef
ex 0102 90 35	
ex 0102 90 37	
ex 0201 10 90	
ex 0201 20 11	
ex 0201 20 19	
ex 0201 20 39	
ex 0201 20 51	
ex 0201 20 59	
0205 00 00	Meat of horses, asses, mules or hinnies
0306 13 10	Shrimps and prawns, fresh or frozen
0306 13 30	
0306 13 90	
0306 23 10	
0306 23 31	
0406 90 29	Kashkaval cheese
0601 10	Bulbs, dormant
0602	Other live plants
ex 0602 40	Roses, excluding cuttings
0603	Cut flowers
ex 0604 10 90	Mosses and lichens
0604 91 10	— Other
0604 91 90	— — Fresh
	Potatoes, new, from 1 January to 15 May
ex 0701 90 51	— From 1 January to 31 March
	Tomatoes, fresh, from 1 November to 14 May
ex 0702 00 10	— From 15 November to 30 April
	Onions, fresh
ex 0703 10 11	— Seed
	— — From 1 to 31 July
ex 0703 10 19	— Other
	— — From 15 February to 15 May
	— — From 1 to 31 July
	Garlic fresh
ex 0703 20 00	— From 1 February to 31 May
ex 0704 90 90	Chinese cabbage
	Carrots
ex 0706 10 00	— From 1 January to 31 March
	Peas, from 1 September to 31 May
ex 0708 10 10	— From 1 October to 30 April
	Beans, from 1 October to 30 June
ex 0708 20 10	— From 1 November to 30 April
	Globe artichokes
ex 0709 10 00	— From 1 October to 31 December
	Asparagus
ex 0709 20 00	— From 1 November to the end of February
	Aubergines (egg-plants)
ex 0709 30 00	— From 1 December to 30 April
	Mushrooms, fresh
ex 0709 51 30	— Chanterelles
ex 0709 51 50	— Flap mushrooms
ex 0709 51 90	— Other

CN code	Description (*)
0709 60 10	Sweet peppers
ex 0709 60 99	Chillies (fresh) — From 1 November to 31 May
ex 0709 90 70	Courgettes — From 1 December to 15 March
ex 0709 90 90	Okra (gumbo) — From 15 February to 15 June
0710 21 00	Peas, frozen
0711 20 10	Olives, for uses other than the production of oil
0711 30 00	Capers
0711 90 10	Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> , excluding sweet peppers
ex 0711 90 50	Mushrooms, other than cultivated
0712 20 00	Onions, dried
ex 0712 90 90	Garlic, dried
ex 0712 30 00	Mushrooms, other than cultivated mushrooms, dried
ex 0712 90 90	Peppers, dried
0713 10 19	Dried peas for sowing
0713 10 90	Dried leguminous vegetables, other than for sowing
0713 20 90	
0713 31 90	
0713 32 90	
0713 33 90	
0713 39 90	
0713 40 90	
0713 50 90	
0713 90 90	
0713 32	Dried beans, other than for sowing
0713 32 90	
0713 33	
0713 33 90	
0713 39	
0713 39 90	
0713 50 10	Broad beans and horse beans for sowing
0802 31 00	Other nuts
0802 32 00	Walnuts
0804 10 00	Dates, fresh or dried
ex 0804 10 00	Dates dried
0804 40	Avocados
0804 50 00	Mangoes, mangosteens and guavas
0805 10 11 to	Oranges, fresh
0805 10 49	
ex 0805 20 10	Mandarins, fresh
ex 0805 20 30	
ex 0805 20 50	
ex 0805 20 70	
ex 0805 20 90	
ex 0805 30 10	Lemons, fresh
ex 0805 30 90	Limes and limettos
0805 40 00	Grapefruit
ex 0805 90 00	Kumquats
ex 0806 10 15	Table grapes, fresh — From 15 November to 30 April
ex 0807 10 10	Watermelons — From 1 April to 15 June
ex 0807 10 90	Melons — From 1 November to 31 May

CN code	Description (*)
ex 0810 10 90	Strawberries from 1 August to 30 April – From 1 November to 31 March
ex 0810 20 10	Raspberries, fresh – From 15 May to 15 June
ex 0810 20 90	Blackberries, mulberries, loganberries, fresh – From 15 May to 15 June
ex 0810 90 90	Passion fruit
ex 0810 90 90	Pomegranates – From 15 August to 15 November
ex 0810 90 90	Persimmons (kakis) – From 1 December to 31 July
ex 0811 90 90	Grapefruit segments, frozen
ex 0811 90 90	Dates, frozen
ex 0812 90 20	Oranges, finely crushed
ex 0812 90 90	Citrus fruit, finely crushed
ex 0813 10 00	Apricots, dried
ex 0813 40 90	Morello cherries, dried
0904	Pepper of the genus <i>Piper</i> Fruit of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i>
0904 20 31	Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> , neither crushed nor ground, other
0904 20 35	
0904 20 39	
0904 12 00	Pepper of the genus <i>Piper</i> , crushed or ground : Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> crushed or ground
0904 20 90	
0909	Seeds of anise, badian, fennel, coriander, cumin, caraway or juniper
0910 20 10	Thyme, bay leaves, saffron
0910 20 90	
0910 40 11	
0910 40 13	
0910 40 19	
0910 40 90	
1209 91 10	Seeds, spores and fruit, of a kind for sowing – Other
1209 91 90	
1209 99 99	
1211 10 00	Aromatic plants
1211 90 50	
1211 90 90	
1211 10 00	Liquorice roots
1212 10 10	Chicory roots, locust beans, fruit stones and kernels etc.
1212 10 91	
1212 10 99	
1212 20 00	
1212 30 00	
1212 99 90	
ex 1302 20	
1604 14 10	Tunas and skipjack
ex 1604 20 70	
ex 1902 20 10	
2001 90 20	Fruit of the genus <i>Capsicum</i> other than sweet peppers or pimentos, prepared or preserved by vinegar
ex 2001 20 00	– Pearl onions in vinegar
ex 2001 90 90	– Okra in vinegar
ex 2002 10 00	Skinned tomatoes
2003 10 10	Mushrooms, cultivated and other, prepared or preserved otherwise than by vinegar
2003 10 90	
2003 20 00	
	Truffles

CN code	Description (1)
2004 90 50 2005 40 00 2005 51 00	Peas and beans
2004 90 99 2005 60 00	Asparagus
2004 90 99 2005 90 90	Carrots and mixtures – Other
ex 2004 90 99 2005 90 10	Ajvar Fruit of the genus <i>Capsicum</i> other than sweet peppers
ex 2004 90 99	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, otherwise than in mixtures
ex 2005 90 90	– Celeriac – Brassicas (except cauliflowers) – Okra (gumbo)
2007 10 90 2007 91 90 2007 99 90	– Chestnut purée and paste, other – Citrus fruit jams and marmalades, other – Other, not specified
2008 11 91	Roast ground-nuts, in immediate packings of a net content exceeding 1 kg
2008 30 51 2008 30 71 2008 30 91 2008 30 99	Grapefruit segments
ex 2008 30 55 ex 2008 30 75	Mandarins, tangerines and satsumas, etc. finely crushed
ex 2008 30 59 ex 2008 30 79	Grapefruit; oranges and lemons, finely crushed
2008 50 61 2008 50 69	Apricots
ex 2008 50 91 ex 2008 50 99 ex 2008 70 99	Apricot and peach halves Apricot pulp
2008 60	Morello cherries
ex 2008 92 50 ex 2008 92 71 ex 2008 92 79	Fruit salad
2009 11 11 2009 11 19 2009 11 91 2009 11 99 2009 19 19 2009 19 91 2009 19 99	Orange juice
2009 20 11 2009 20 19 2009 20 91 2009 20 99	Grapefruit juice
2009 30 11 2009 30 19	Citrus fruit juices other than oranges or grapefruit juice
ex 2009 30 31 ex 2009 30 39	Other citrus fruit juices excluding lemon juice

(1) Without prejudice to the rules for the interpretation of the combined nomenclature, the description is provided for ease of reference only, the preferential arrangements being determined, within the framework of this Annex, by the scope of the combined nomenclature codes.

ANNEX II

Products subject to reference quantities pursuant to the additional protocols concluded with the Mediterranean third countries

CN code	Description (*)	Calendar period	Origin	Quantity (tonnes)
0701 90 51 } ex 0701 90 59 } 0701 90 51 0703 20 00 0712 20 00	New potatoes New potatoes Fresh garlic Dried onions	1. 1. - 31. 5. 1. 1. - 31. 3. 1. 2. - 31. 5. 1. 1. - 31. 12.	Malta Tunisia Egypt Syria	3 000 2 600 1 600 700
ex 0712 90 90 } ex 0904 20 10 }	Dried garlic	1. 1. - 31. 12.	Egypt	1 000
ex 0707 00 11	Small winter cucumbers	1. 1. - end 2. 1. 1. - end 2. 1. 1. - end 2.	Egypt Jordan Malta	100 100 50
0709 10 00	Artichokes	1. 10. - 31. 12. 1. 10. - 31. 12.	Egypt Cyprus	100 100
0709 30 00	Aubergines	15. 1. - 30. 4.	Israel	1 200
0709 60 10	Sweet peppers	1. 1. - 31. 12.	Morocco	1 000
0712 20 00	Onions	1. 1. - 31. 12.	Syria	700
0712 90 90	Dried garlic	1. 1. - 31. 12.	Egypt	1 000
0713 10 11 } 0713 10 19 }	Peas for sowing	1. 1. - 31. 12.	Morocco	400
0713 10 90 } 0713 20 90 } 0713 31 90 } 0713 32 90 } 0713 33 90 } 0713 39 90 } 0713 40 90 } 0713 50 90 } 0713 90 90 }	Dried leguminous vegetables	1. 1. - 31. 12.	Lebanon	2 200
0804 40 10 } 0804 40 90 }	Avocados	1. 1. - 31. 12.	Israel	31 000
ex 0806 10 15 } 0806 10 19 }	Fresh table grapes	1. 2. - 30. 6.	Israel	1 900
0807 10 90	Small winter melons	1. 1. - 31. 3. 1. 1. - 31. 3.	Egypt Jordan	100 100
0810 90 10	Kiwifruit	1. 1. - 30. 4. 1. 1. - 30. 4. 1. 1. - 30. 4.	Israel Morocco Cyprus	200 200 200
0812 90 90	Comminuted citrus fruit	1. 1. - 31. 12.	Israel	1 100
2001 10 00	Cucumbers preserved in vinegar	1. 1. - 31. 12.	Yugoslavia	3 000
2004 90 30 } 2005 30 00 }	Sauerkraut	1. 1. - 31. 12.	Yugoslavia	150
2008 30 51 } 2008 30 71 }	Grapefruit and pomelo segments	1. 1. - 31. 12.	Israel	13 700
2008 50 61 } 2008 50 69 }	Apricots	1. 1. - 31. 12.	Morocco	6 300
ex 2008 30 79	Grapefruit and pomelos Comminuted oranges and lemons	1. 1. - 31. 12.	Israel	2 000
ex 2008 30 91 } ex 2008 30 91 } ex 2008 30 91 }	Grapefruit segments Citrus fruit pulp Comminuted citrus fruit	1. 1. - 31. 12.	Israel	2 900

CN code	Description (1)	Calendar period	Origin	Quantity (tonnes)
2008 50 99 2008 70 99	Apricot halves and peach halves	1. 1. — 31. 12.	Morocco	6 300
2009 20 11 2009 20 19 2009 20 99 2009 30 11 2009 30 19				
2009 20 99	Grapefruit and pomelo juice	1. 1. — 31. 12.	Morocco	800

(1) Without prejudice to the rules for the interpretation of the combined nomenclature, the description is provided for ease of reference only, the preferential arrangements being determined, within the framework of this Annex, by the scope of the combined nomenclature codes.