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► **M2** 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, Morocco and the West Bank and the Gaza Strip ◀

(OJ L 382, 31.12.1987, p. 22)

Amended by:

	Official Journal		
	No	page	date
► <b><u>M1</u></b> Council Regulation (EEC) No 3551/88 of 14 November 1988	L 311	1	17.11.1988
► <b><u>M2</u></b> Council Regulation (EC) No 539/96 of 25 March 1996	L 79	6	29.3.1996
► <b><u>M3</u></b> Council Regulation (EC) No 1300/97 of 30 June 1997	L 177	1	5.7.1997

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**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,  
Morocco and the West Bank and the Gaza Strip**

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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 additional Protocols to the Association or Cooperation Agreements between the European Economic Community, on the one hand, and Cyprus, Israel and Jordan, on the other, provide that preferential customs duties shall be applied to imports into the Community of roses and carnations, within the limit of tariff quotas opened for imports of all fresh cut flowers falling within subheading 0603 10 of the combined nomenclature and originating in the said States; whereas these tariff advantages are applicable only to imports which comply with certain price conditions;

Whereas this Regulation should state the price conditions with which imports of roses and carnations must comply in order to qualify for the application of preferential customs duties and should also set both the conditions for suspending the preferential tariff arrangement when these conditions are no longer met and the conditions for its subsequent reintroduction;

Whereas price conditions to be complied with for imported products are determined according to Community producer prices; whereas, in the light of the extremely volatile and short-term fluctuations in the prices of the products in question in the Community, these producer prices should be set for two-week periods, on the basis of the average representative market price during the previous three years, excessive fluctuations being disregarded,

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation lays down the conditions for application of a preferential customs duty for large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations, within the limit of tariff quotas opened annually for imports into the Community of all fresh cut flowers falling within subheading 0603 10 of the combined nomenclature and ►M2 originating in Cyprus, Israel, Jordan, Morocco and the West Bank and the Gaza Strip ◀.

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*Article 2*

1. For a given product and origin, the preferential customs duty shall be applicable only if the price of the imported product is at least 85 % of the Community producer price referred to in Article 3.

2. Import prices applicable for two-week periods shall be determined for each of the products and origins indicated in Article 1.

Such prices shall be determined every fifteen days for the two weeks following the date on which they are determined.

Import prices shall be determined on the basis of the weighted average of prices recorded on the representative import markets of the Community.

3. The preferential customs duty shall be suspended and the Common Customs Tariff duty introduced for any given product and

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origin if the import price determined as specified in paragraph 2 is less than 85 % of the Community producer price determined as specified in Article 3.

4. The preferential customs duty shall be reintroduced for any given product and origin if the import price determined as specified in paragraph 2 is 85 % or more of the Community producer price determined as specified in Article 3.

*Article 3*

1. Community producer prices applicable for two-week periods shall be determined for each of the four products indicated in Article 1. Such prices shall be determined every fifteen days for the two weeks following the date on which they are determined.

2. Community producer prices shall be determined on the basis of the weighted average of producer prices recorded on the representative markets for Community production.

*Article 4*

In the absence of prices sufficiently representative to permit determination of import and/or Community producer prices as specified in Articles 2 (2) and 3 (2) respectively, they shall be determined on the basis of the latest prices determined.

**▼B***Article 5*

1. In accordance with the procedure provided for in Article 14 of Regulation (EEC) No 234/68<sup>(1)</sup>, the Commission shall lay down detailed rules for the implementation of this Regulation, including in particular:

- the definition of the products mentioned in Article 1,
- the list of representative producer markets and representative Community import markets,
- the information to be returned periodically to the Commission by Member States for the purposes of this Regulation.

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2. In accordance with the procedure provided for in paragraph 1, the Commission shall:

- (a) determine import prices as provided for in Article 2 (2) and Community producer prices as provided for in Article 3 (2);
- (b) when appropriate, suspend the preferential customs duty and reintroduce the Common Customs Tariff duty, or reintroduce the preferential customs duty.

However, between the meetings of the Management Committee, these measures shall be adopted by the Commission.

**▼B***Article 6*

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

It shall apply to products originating in each of the three countries concerned as from the date of application of the relevant additional Protocol.

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

<sup>(1)</sup> OJ No L 55, 2. 3. 1968, p. 1.