

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2505/96
of 20 December 1996**

opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products and amending Regulation (EC) No 3059/95 opening and providing for the administration of Community tariff quotas for certain agricultural and industrial products (first series 1996)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas production in the Community of certain agricultural and industrial products will be insufficient to meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type will depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms; whereas Community tariff quotas at reduced or zero duty should therefore be opened within the limits of appropriate volumes taking account of the need not to disturb the markets for such products nor the starting out or development of Community production;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas the decision for the opening of autonomous tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of these quotas, there is no reasonable 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 production in the Community of certain industrial products will remain, in the course of 1996, unable to

meet the specific requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type will depend to a considerable extent on imports from third countries; whereas the most urgent Community requirements for the products in question should be met immediately on the most favourable terms;

Whereas, by Regulation (EC) No 3059/95⁽¹⁾, the Council opened, for 1996, Community tariff quotas for certain agricultural and industrial products; whereas the volume of the quota for ferro-chromium (Order No 09.2711), for isopropylidene-bis (Order No 09.2859) and for oscillator (Order No 09.2939) should be increased;

Whereas the existing regulations opening autonomous Common Customs Tariff duties on certain industrial and agricultural products have largely renewed previous measures; whereas, therefore, in the interests of rationalizing implementation of the measures concerned, it would seem appropriate not to limit the period of validity of this Regulation as its scope can be adapted and products added to or removed from the list through a Council regulation, if necessary; whereas the transfer of unused quantities from one quota period to a subsequent one is not permissible;

Whereas the amendments to the combined nomenclature and the Taric codes do not give rise to any substantive amendment; whereas, for reasons of simplification, provision should be made to empower the Commission, following receipt of the opinion of the Customs Code Committee, to make the necessary amendments and technical adaptations of the Annex to this Regulation, including the publication of a consolidated version;

⁽¹⁾ OJ No L 326, 30. 12. 1995, p. 19. Regulation as amended by Regulation (EC) No 1535/96 (OJ No L 191, 1. 8. 1996, p. 16).

Whereas it should be possible for this procedure to be applied in order to speed up the procedure where it becomes clear during a calendar year that an increase of a tariff quota or extension of a quota period is required; whereas such measures shall be considered to be temporary ones pending expiry of the relevant calendar year,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import duties on the goods listed in Annex I shall be suspended at the indicated duty rate for the periods and in the amounts indicated therein.

2. In Regulation (EC) No 3059/95, the table shown in the Annex shall be replaced, for Order Nos 09.2711, 09.2859 and 09.2939, by the table shown in Annex II to this Regulation.

Article 2

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

Article 3

If an importer presents in a Member State an entry for release for free circulation, including a request for preferential benefit for a product covered by this Regulation and if this entry for release is accepted by the customs authorities, the Member States concerned shall inform the Commission and draw an amount corresponding to its requirements from the corresponding quota amount.

The drawing request, with indication of the date of acceptance of the said entries, must be transmitted to the Commission without delay.

The drawings are granted by the Commission by reference to the date of acceptance of the entries for release for free circulation by the customs authorities of the Member States concerned to the extent that the available balance so permits.

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

If the quantities requested are greater than the available balance of the quota amount, allocation shall be made on a pro rata basis with respect to the requests. Member States shall be informed by the Commission of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have equal and uninterrupted access

to the quotas for such time as the residual balance of the quota volumes so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

The amendments and technical adaptations, including the publication of a consolidated version, arising from amendments of the combined nomenclature and Taric codes shall be adopted by the Commission in accordance with the procedure laid down in Article 7.

If it becomes apparent during a calendar year:

- a quota quantity is not sufficient to satisfy the needs of the Community industry, taking into account the production capacity inside the Community, or
- a prolongation of a tariff quota whose validity period has been limited is necessary beyond this period to satisfy the needs of the Community industry, taking into account the production capacity inside the Community,

the quota concerned may, until the end of the calendar year, be increased by not more than 50 % or the quota period extended for a period not exceeding six months in accordance with the procedure laid down in Article 7.

Article 7

1. The Commission shall be assisted by the Customs Code Committee set up by Article 247 of Council Regulation (EEC) No 2913/92⁽¹⁾.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures, which shall apply immediately. However, if those measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event the Commission shall defer application of the measures upon which it has decided for three months from the date of such communication.

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

The Council, acting by qualified majority, may take a different decision within the time limit referred to in the previous paragraph.

3. The Committee may examine any question concerning the application of this Regulation which is raised by its chairman, either on his own initiative or at the request of a Member State.

Article 8

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

It shall apply from 1 January 1997 with respect to Annex I and from 1 January 1996 with respect to Annex II.

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

Done at Brussels, 20 December 1996.

For the Council

The President

S. BARRETT

ANNEX I

Order No	CN code	Taric code	Description	Amount of quota	Quota duty (%)	Quota period
09.2701	ex 0301 92 00 ex 0302 66 00 ex 0303 76 00	10 10 10	Eels (<i>Anguilla</i> spp.) live fresh, chilled or frozen, intended for processing by curing or skinning enterprises or for use in the industrial manufacture of products falling within CN code 1604 (a)	4 000 tonnes	0	1. 7 - 30. 6 of the following year
09.2703	ex 2825 30 00	10	Vanadium oxides and hydroxides, not in the form of powder, exclusively for the production of alloys (a)	13 000 tonnes	0	1. 1 - 31. 12
09.2711	7202 41 10 7202 41 91 7202 41 99	—	Ferro-chromium — containing by weight more than 4 % of carbon	550 000 tonnes	0	1. 1 - 31. 12
09.2713	ex 2008 60 19 ex 2008 60 39	10 11/19	Sweet cherries, marinated in alcohol, of a diameter not exceeding 19,9 mm, stoned, intended for the manufacture of chocolate products (a): — with a sugar content exceeding 9 % by weight — with a sugar content not exceeding 9 % by weight	2 000 tonnes	10 (!) 10	1. 1 - 31. 12
09.2719	ex 2008 60 19 ex 2008 60 39	20 20	Sour cherries (<i>Prunus cerasus</i>), marinated in alcohol, of a diameter not exceeding 19,9 mm, stoned, intended for the manufacture of chocolate products (a): — with a sugar content exceeding 9 % — with a sugar content not exceeding 9 % by weight	2 000 tonnes	10 (!) 10	1. 1 - 31. 12
09.2727	ex 3902 90 90	93	Synthetic poly-alpha-olefin having a kinetic viscosity of not less than $38 \times 10^{-6} \text{ m}^2 \text{ s}^{-1}$ (38 centistokes) at 100 °C, measured using the ASTM D 445 method	7 500 tonnes	0	1. 1 - 31. 12
09.2729	ex 0811 90 95	10	Boysenberries, preserved by freezing, not containing added sugar, for the processing industry (a)	1 500 tonnes	12	1. 1 - 31. 12
09.2791	ex 3905 99 90	92	Polyvinyl butyral in the form of powder, for the production of film for laminated safety glass (a)	2 000 tonnes	5	1. 1 - 30. 6. 1997
09.2797	ex 8540 71 00	91	Magnetrons with a power output of not more than 1 000 W, for the manufacture of microwave ovens (a)	650 000 units	0	1. 1 - 31. 12
09.2799	ex 7202 49 90	10	Ferro-chromium containing 1,5 % or more but not more than 4 % by weight of carbon and not more than 70 % of chromium	24 000 tonnes	0	1. 1 - 31. 12

Order No	CN code	Taric code	Description	Amount of quota	Quota duty (%)	Quota period
09.2809	ex 3802 90 00	10	Acid-activated montmorillonite for the manufacture of self-copy paper (a)	10 000 tonnes	0	1. 1 - 31. 12
09.2811	ex 2902 90 80	20	4-benzylbiphenyl	300 tonnes	0	1. 1 - 31. 12
09.2829	ex 3824 90 95	19	Solid extract of the residual insoluble in aliphatic solvents obtained during the extraction of resin from wood, having the following characteristics: — a resin acid content by weight not exceeding 30 % — an acid number not exceeding 110, and — melting point of not less than 100 °C	1 600 tonnes	0	1. 1 - 31. 12
09.2837	ex 2903 49 80	10	Bromochloromethane	350 tonnes	0	1. 1 - 30. 6. 1997
09.2841	ex 2712 90 99	10	Blend of 1-alkenes containing by weight 80 % or more of 1-alkenes of a chain-length of 20 and 22 carbon atoms	8 000 tonnes	0	1. 1 - 31. 12
09.2845	ex 2914 19 90	10	3,3-Dimethylbutanone	750 tonnes	0	1. 1 - 31. 12
09.2847	ex 2914 70 90	10	1-Chloro-3,3-Dimethylbutanone	750 tonnes	0	1. 1 - 31. 12
09.2849	ex 0710 80 69	10	Mushrooms of the species <i>Auricularia polytricha</i> , either steamed, boiled or frozen, for the manufacture of prepared meals (a)(b)	700 tonnes	0	1. 1 - 31. 12
09.2851	ex 2907 12 00	10	O-Cresol having a purity of not less than 98,5 % by weight	13 000 tonnes	0	1. 1 - 31. 12
09.2853	ex 2930 90 70	35	Glutathione	15 tonnes	0	1. 1 - 31. 12
09.2859	ex 2909 49 90	10	2,2- Isopropylidene-bis (p-phenyleneoxy) diethanol solid form	1 300 tonnes	0	1. 1 - 31. 12
09.2867	ex 3207 40 80	10	Glass granulate, containing by weight: — 73 % or more but not more than 77 % of silicon dioxide — 12 % or more but not more than 18 % of diboron trioxide and — 4 % or more but not more than 8 % of polyethylene glycol	150 tonnes	0	1. 1 - 31. 12
09.2871	ex 7011 20 00	70	Glass face-plate with a diagonal measurement of 723 mm (\pm 3 mm) and of dimensions of 602 \times 477 mm (\pm 2 mm), for the manufacture of colour cathode-ray tubes (a)	350 000 units	0	1. 1 - 30. 6. 1997
09.2881	ex 3901 90 90	92	Chlorosulphonated polyethylene	6 000 tonnes	0	1. 1 - 31. 12
09.2887	ex 2905 50 10	10	2,2,2-trifluoroethanol	350 tonnes	0	1. 1 - 31. 12
09.2889	3805 10 90	—	Sulphate turpentine	20 000 tonnes	0	1. 1 - 31. 12

Order No	CN code	Taric code	Description	Amount of quota	Quota duty (%)	Quota period
09.2892	ex 2932 29 80	20	2-anilino-6-diethylamino-3-methylspiro [isobenzofuranne-1(3H), 9-xanthen] -3-one	36 tonnes	0	1. 1 - 31. 12
09.2894	ex 9608 91 00	20	Felt tips and other porous-tips for markers, without internal canal	200 000 000 units	0	1. 1 - 30. 6. 1997
09.2913	ex 2401 10 41 ex 2401 10 49 ex 2401 10 50 ex 2401 10 70 ex 2401 10 90 ex 2401 20 41 ex 2401 20 49 ex 2401 20 50 ex 2401 20 70 ex 2401 20 90	10 10 10 10 10 10 10 10 10	Natural unmanufactured tobacco, whether or not cut in regular size, having a custom value of not less than ECU 450 per 100 kg net weight, for use as binder or wrapper for the manufacture of goods falling within subheading 2402 10 00 (a)	6 000 tonnes	0	1. 1 - 31. 12
09.2914	ex 3824 90 95	26	Aqueous solution containing not less than 40 % of dry betaine-extract and between 5 and 30 % of organic or inorganic salts	38 000 tonnes	0	1. 1 - 31. 12
09.2915	ex 3824 90 95	27	Silicon dioxide having a purity in weight of 99 % in the form of the spherical particles dispersed in monoethylene glycol	60 tonnes	0	1. 1 - 31. 12
09.2917	2930 90 14	—	Cystine	600 tonnes	0	1. 1 - 31. 12
09.2918	ex 2910 90 00	50	1,2-Epoxybutan	500 tonnes	0	1. 1 - 31. 12
09.2919	ex 8708 29 90	10	Foldings bellows for the manufacture of articulated buses (a)	2 600 pieces	0	1. 1 - 31. 12
09.2920	ex 5502 00 90	10	Cellulose acetate tow made up of 30 000 filaments with a count of 2,4 decitex	350 tonnes	0	1. 1 - 31. 12.
09.2933	ex 2903 69 90	30	1,3-dichlorobenzole	2 600 tonnes	0	1. 1 - 31. 12
09.2934	ex 3818 00 10	30	Doped silicon slices for use in the manufacture of solar cells of subheading 8541 40 91 (a)	1 300 000 units	0	1. 1 - 31. 12.
09.2935	3806 10 10	—	Gum rosin	50 000 tonnes	0	1. 1 - 30. 6. 1997
09.2935	3806 10 10	—	Gum rosin	50 000 tonnes	0	1. 7 - 31. 12
09.2936	ex 3815 90 90	45	Catalyst, in the form of powder, consisting of mixed vanadium and phosphorus oxides, containing by weight 0,5 % or less of one of the following elements: lithium, potassium, sodium, cadmium or zinc, for use in the manufacture of maleic anhydride from butane (a)	160 tonnes	0	1. 1 - 31. 12

Order No	CN code	Taric code	Description	Amount of quota	Quota duty (%)	Quota period
09.2937	ex 3818 00 10	40	Doped silicon wafer having a diameter of 200 mm ($\pm 0,25$ mm), for use in the manufacture of goods of heading 8542 (a)	800 000 units	0	1. 1 - 31. 12
09.2938	ex 7011 20 00	65	Glass face plate with a diagonal measurement of: — 604,5 mm (± 3 mm) and dimension 541 \times 340 (± 2 mm), — 708 mm (± 3 mm) and dimension 633 \times 404 mm (± 2 mm), — 812,8 mm (± 3 mm) and dimension 725,5 \times 463,8 mm (± 2 mm), for the manufacture of colour cathode-ray tubes (a)	515 000 pieces	0	1. 1 - 30. 6. 1997
09.2939	8543 89 90	59	Voltage controlled oscillator (VCO), excluding temperature compensating oscillator, consisting of active and passive elements mounted on a printed circuit contained in a housing bearing: — an identification marking consisting of or including one of the following combinations of figures and letters: 1012TDK, 1019TDK, EK304, MQC403, MQC404, MQE001, MQE041, MQE042, MQE051, MQE201, MQE411, MQE501, URAE8X956A, URAB8, URAE8X960A, VD2S40, VD2S41, VD5S07 — or other identification markings relating to devices complying with the abovementioned description	9 000 000 units	0	1. 1 - 30. 6. 1997
09.2940	ex 3920 62 19	65	Polyethylene terephthalate film, 9 micrometers thick ($\pm 0,5$ micrometres) for the manufacture of products falling within subheading 8523 13 00 (a)	300 tonnes	0	1. 1 - 31. 12
09.2941	ex 8471 70 53	60	Hard disk storage unit, excluding units using disks incorporated in removable cartridges, of the 2,5, 3,5 or 5,25 inch type, with a total storage capacity, formatted, not exceeding 18 gigabytes, for use in the manufacture of products falling within subheading 8471 (a)(c)	25 000 000 units	0	1. 1 - 31. 12
09.2942	ex 2917 19 90	40	Dodecanadioic acid of a purity by weight of more than 98,5 %	1 000 tonnes	0	1. 1 - 31. 12
09.2943	ex 8531 20 80		Liquid crystal display (LCD) with a passive matrix, comprising electronic components providing drive and/or control functions	40 000 000 units	0	1. 1 - 31. 12
09.2944	9013 80 30		Liquid crystal devices, other than active matrix liquid crystal devices	40 000 000 units	0	1. 1 - 31. 12
09.2945	ex 2940 00 90	10	D-Xylose	1 500 tonnes	0	1. 1 - 31. 12

Order No	CN code	Taric code	Description	Amount of quota	Quota duty (%)	Quota period
09.2946	ex 3818 00 10	50	Doped silicon wafer, of a diameter of 150 mm ($\pm 0,5$ mm), with a near surface zone extending greater than 10 microns containing less than 6×10^8 bulk micrometers defects, for use in the manufacture of goods of heading 8542 (a)	30 000 units	0	1. 1 - 31. 12
09.2947	ex 3904 69 90	95	Polyfluorene of vinylidene, in the form of powder, intended for the manufacture of paint or varnish for application to metal (a)	900 tonnes	0	1. 1 - 31. 12
09.2948	ex 8529 90 89	33	Keypads for cellular mobile telephones, incorporating a layer of silicone and a layer of plastic, intended for the manufacture of mobile radio-telephones of subheading 8525 20 91 (a)	8 000 000 pieces	0	1. 1 - 31. 12
09.2949	ex 8543 89 90	53	Temperature compensated oscillator, comprising a printed circuit on which is mounted at least a piezo-electric crystal and an adjustable capacitor, contained in a housing: — an identification marking consisting of or including one of the following combinations: 3211A-ANF50, 5111B-ANL51, TCXO111, TX02603 — or other identification markings relating to devices complying with the abovementioned description	6 500 000 pieces	0	1. 1 - 31. 12.

(a) Checks on their prescribed end use shall be carried out pursuant to the relevant Community provisions.

(b) However, the tariff quota is not allowed where processing is carried out by retail or catering undertakings.

(c) However, the tariff quota is not allowed where the processing is solely limited to the labelling, cleaning or testing.

(f) The specific additional duty is applicable.

ANNEX II

Order No	CN code	Taric code	Description	Amount of quota	Quota duty (%)	Quota period
09.2711	7202 41 10 7202 41 91 7202 41 99	—	Ferro-chromium — containing by weight more than 4 % of carbon	770 000 tonnes	0	1. 1 - 31. 12. 1996
09.2859	ex 2909 49 90	10	2,2"-Isopropylidene-bis (p-phenyleneoxy) diethanol solid form	1 300 tonnes	0	1. 1 - 31. 12. 1996
09.2939	8543 89 90	59	Voltage controlled oscillator (VCO), excluding temperature compensating oscillator, consisting of active and passive elements mounted on a printed circuit contained in a housing bearing: — an identification marking consisting of or including one of the following combinations of figures and letters: 1012TDK, 1019TDK, EK304, MQC403, MQC404, MQE001, MQE041, MQE042, MQE051, MQE201, MQE411, MQE501, URAE8X956A, URAB8, URAE8X960A, VD2S40, VD2S41, VD5S07 — or other identification markings relating to devices complying with the abovementioned description	6 870 000 units	0	1. 7 - 31. 12. 1996