

(d) The following products, originating in Switzerland:

Order No	CN code (**)	Description	Amount of tariff quota (tonnes)	Rate of duty (%)
09.0901	0809 20 10 0809 20 90	Table cherries excluding Morello cherries, originating in Switzerland	1 000	0

(\*) See Taric codes in the Annex.

2. Within the limits of the quotas referred to in paragraph 1 under order Nos 09.0701, 09.0801 and 09.0901, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions of the 1985 Act of Accession.

For the other quotas, the Kingdom of Spain and the Portuguese Republic shall apply the duties set out below:

Order No	Spain (%)	Portugal (%)
09.0601	0	0
09.0603	0	0
09.0605	5,2	11,3
09.0607	5,2	11,3
09.0609	5,2	11,3
09.0611	7	16
09.0709	2,6	0
09.0711	11,4	17,5

3. Imports of the products listed in paragraph 1 which already qualify for a lower or the same rate of customs duty under other preferential tariff arrangements may not be charged against the corresponding tariff quota.

4. Imports of the products referred to in paragraph 1 under order Nos 09.0601 to 09.0611, 09.0709 and 09.0711 shall not qualify for the quota unless the free-at-frontier price, which is determined by the Member States in accordance with Article 21 of Council Regulation (EEC) No 3796/81 of 21 December 1981 on the common organization of the market in fishery products<sup>(1)</sup>, as last amended by Regulation (EEC) No 1495/89<sup>(2)</sup>, shall be at least equal to the reference price, if such a price has been fixed by the Community, for the products or categories of products in question.

5. The protocols on the definition of the concept of originating products and on methods of administrative cooperation, annexed to the Agreement between the European Economic Community on the one hand and the Kingdom of Sweden, the Kingdom of Norway, the Republic of Austria and the Swiss Confederation on the other, shall be applicable.

<sup>(1)</sup> OJ No L 379, 31. 12. 1981, p. 1.

<sup>(2)</sup> OJ No L 148, 1. 6. 1989, p. 1.

#### Article 2

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

#### Article 3

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the quota volume by means of notification to the Commission, a quantity corresponding to those needs.

The requests for drawing, with the indication of the date of acceptance of the said declarations, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State 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 volume.

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

#### Article 4

Each Member State shall guarantee importers of the products in question equal and continuous access to the quotas as long as the balance of the corresponding quota volume allows.

#### Article 5

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

#### Article 6

This Regulation shall enter into force on 1 January 1990.