

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 523 final

Brussels, 20 October 1989

Proposal for  
COUNCIL REGULATION (EEC)  
opening and providing for the administration of Community tariff quotas for  
agricultural and fishery products originating in certain EFTA countries

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(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Certain agreements concluded between the European Economic Community on the one hand and Norway, Austria, Switzerland and Sweden on the other, approved by Council Decisions 86/557/EEC<sup>1</sup>, 86/555/EEC<sup>2</sup>, 86/559/EEC<sup>3</sup> and 86/558/EEC<sup>4</sup>, provide for the opening by the Community of certain annual Community tariff quotas laying down specific volumes and customs duties for certain agricultural and fishery products.
2. The aim of the attached proposal is the application of these tariff quotas for 1990.
3. As in the case of other Community tariff quotas, the proposal  
does not provide for  
the allocation among the Member States of the quota volumes but enables the  
Member States to draw from the quota volumes the quantities required to  
cover the actual imports recorded.

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1 OJ No L 328, 22.11.1986, p. 77.

2 OJ No L 328, 22.11.1986, p. 58.

3 OJ No L 328, 22.11.1986, p. 99.

4 OJ No L 328, 22.11.1986, p. 90.

Proposal for  
COUNCIL REGULATION (EEC) No  
of

opening and providing for the administration of Community tariff quotas for certain agricultural and fishery products originating in certain EFTA countries

THE COUNCIL OF 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 in agreements concluded between the European Economic Community and certain EFTA countries, approved by Decisions 86/555/EEC, 86/557/EEC, 86/558/EEC, and 86/559/EEC,<sup>1</sup> the Community undertook to open each year, subject to certain conditions, Community tariff quotas at a reduced or zero rate of duty for a number of agricultural and fishery products originating in those countries; whereas these tariff quotas should be opened for 1990, and where necessary the conditions of eligibility laid down should be specified;

Whereas all Community importers should be ensured equal and continuous access to the said quota and the duty rates laid down for the quota should be applied consistently to all imports of the product in question into all Member States until the quota is exhausted; whereas the necessary measures should be taken to ensure that these tariff quotas are administered efficiently and on a Community basis, so that the Member States can draw the necessary quantities, corresponding to actual imports recorded, from the quota volumes; whereas this method of administration calls for close cooperation between the Member States and the Commission;

Whereas since Belgium, the Netherlands and Luxembourg are united within and jointly represented by the Benelux Economic Union, any operation concerning the administration of these quotas may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1990 the customs duties applicable to imports of the products listed below shall be suspended at the levels indicated below and within the limits of the Community tariff quotas as shown below:

<sup>1</sup> OJ No L 328, 22.11.1986, p. 58, 77, 90 and 99.

(a) The following products, originating in Sweden

Order No	CN code (A)	Description	Quota volume (tonnes)	Rate of duty (%)
09.0601	0302	Fish, fresh or chilled, excluding fish fillets and other fish meat falling within CN code 0304:	3 500	0
	0302 50 10	- Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ), excluding livers and roes:		
	0302 62 00	- Of the species <i>Gadus morhua</i>		
	0302 63 00	- Other fish, excluding livers and roes: - - Haddock ( <i>Melanogrammus aeglefinus</i> ) - - Coalfish ( <i>Pollachius virens</i> )		
09.0603	0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:	1 500	0
	0304 10	- Fresh or chilled:		
	ex 0304 10 31	- - Fillets: - - - Other: - - - - Of cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and of fish of the species <i>Boreogadus saida</i> : - Of the species <i>Gadus morhua</i>		
09.0605	1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:	250	0
	1604 12	- Fish, whole or in pieces, but not minced:		
	1604 12 90	- - Herrings: - - - Other:		
09.0607	1604 13	- - Sardines, sardinella and brisling or sprats:	200	0
	1604 13 90	- - - Other		
	1604 19	- - Other:		
	1604 19 99	- - - Other:		
	1604 20	- - - - Other		
09.0609	1604 20 90	- Other prepared or preserved fish:	60	0
	1604 30	- - Of other fish		
	1604 30 90	- Caviar and caviar substitutes: - - Caviar substitutes		
09.0611	1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved:	120	7,5
	ex 1605 20 00	- Shrimps and prawns: - - Shelled, whether or not frozen, excluding shrimps and prawns of the Crangon variety		

(b) The following products, originating in Norway

Order No	CN code (A)	Description	Amount of tariff quota (tonnes)	Rate of duty (%)
09.0701	ex 1504 20 10 ex 1504 30 19 ex 1516 10 90	Oils and fats of marine animals, other than whale oil and sperm oil, in packings of a net capacity of more than 1 kg originating in Norway	1 000	8,5
09.0709	0305 30 19	Fillets of cod of the species <i>Gadus morhua</i> and <i>Gadus ogac</i> , and fish fillets of the species <i>Boreogadus saida</i> , dried, salted or in brine, originating in Norway	3 000	0
09.0711	ex 1604 13 90	Prepared or preserved fish, including caviar and caviar substitutes prepared from fish eggs:	400	10
	ex 1604 19 99	Other:		
	ex 1604 20 90	- Sardinella, brisling or sprats, not including fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep-frozen Other, not including smoked saithe Fish other than herring and smoked saithe		

(c) The following products, originating in Austria

Order No	CN code (1)	Description	Amount of tariff quota (in hl)	Rate of duty (in %)
09.0801	2009 80 11 2009 80 19	Concentrated pear juice, originating in Austria	2 000	30 + AGR possibly applicable

(d) The following products, originating in Switzerland

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

(1) See TARIC codes in Annex

2. Within the limits of the quotas referred to in paragraph 1 under serial numbers 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:

Serial 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 serial numbers 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.

1 OJ No L 379, 31.12.1981, p. 1.

2 OJ No L 148, 01.06.1989, 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

The 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.

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

Done at Brussels,

For the Council

The President



TARIC codes

Order No	CN code	TARIC code
09.0603	ex 0304 10 31	0304 10 31*10
09.0611	ex 1605 20 00	1605 20 00*91 1605 20 00*92
09.0701	ex 1504 20 10 ex 1504 30 19 ex 1516 10 90	1504 20 10*90 1504 30 19*90 1516 10 90*11
09.0711	ex 1604 13 90  ex 1604 19 99 ex 1604 20 90	1604 13 90*91 1604 13 90*99 1604 19 99*90 1604 20 90*30 1604 20 90*90~
09.0901	ex 0809 20 10 ex 0809 20 90	0809 20 10*91 0809 20 90*12 0809 20 90*25 0809 20 90*85

**FICHE FINANCIERE****DATE**

1. Ligne budgétaire concernée : Chap. 12, art. 120
2. Base juridique : article 113
3. Intitulé de la mesure tarifaire : Proposition de règlement du Conseil portant ouverture et mode de gestion de contingents tarifaires communautaires pour certains produits agricoles originaires de certains pays de l'AELE.
4. Objectif : Respecter les engagements contractés par la Communauté
5. Perte de recettes :

Désignation des produits	Quantité	Prix en Ecu/tonne	Droit normal (%)	Droit contingentaire (%)	Perte de recette (en écus)
<b>Norvège</b>					
1) Graisses et huiles marines	1 000 T	748	17	8,5	63 58
2) Filets de morues	3 000 T	4 584	20	0	2 750 40
3) Préparations de poissons	400 T	2 365	20	10	94 60
<b>Autriche</b>					
4) Jus de poires	2 000 hl (ou 300 T)	1 142	42	30 + AGR éventuel	41 11
<b>Suisse</b>					
5) Cerises de table	1 000 T	1 183	15	0	177 45
<b>Suède</b>					
6) Morues, églefins, lieus	3 500 T	1 010	13	0	459 55
7) Filets de morues	1 500 T	2 824	18	0	762 48
8) Préparations de harengs	250 T	2 729	20	0	136 45
9) Autres préparations de poissons	200 T	3 809	20	0	152 36
10) Succédanés du caviar	60 T	5 284	30	0	95 11
11) Crevettes décortiquées	120 T	9 720	20	7,5	145 80
					4 878 894

Par rapport à l'année 1989, augmentation des pertes de :  
 4 878 894 écus - 4 642 828 écus = 236 066 écus

## FICHE D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

Ces propositions sont formulées en conformité avec des engagements contractuels de la Communauté. L'impact découlant de ces concessions a été pris en considération lors de la prise de décision d'adoption de ces contingents et il n'aura pas un caractère sérieux sur la compétitivité et l'emploi dans la Communauté.



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# DOCUMENTS

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