

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 357 final

Brussels, 14 July 1989

Proposal for a

COUNCIL REGULATION (EEC)

opening and providing for the administration of a Community tariff quota
for certain kinds of prepared and preserved tunas
coming from Portugal (1990)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Article 362 of the Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic and the adjustments to the Treaties provides that the following products from Portugal may be imported annually into the Community as constituted on 31 December 1985, free of Common Customs Tariff duties up to the limits indicated below :

Combined Nomenclature code	Description	Quantities (tonnes)
16.04	Prepared or preserved fish ; caviar and caviar substitutes prepared from fish eggs :	
ex 1604.13-10	- sardines on the species "Sardina pilchardus") 5 000
ex 1604.20-50)
1604.14-10	- tunas and skipjack)
1604.19-30	- fish of the genus "Euthynnus", other than skipjack) 1 000
)
1604.20-70	- tunas, skipjack and other fish of the genus "Euthynnus")
)
1604.15-10	- mackerel of the species "Scomber scombrus" and "Scomber japonicus))
)
1604.19-50	- fish of the species "Orcynopsis unicolor") 1 000
)
ex 1604.20-50	- mackerel of the species "Scomber scombrus" and "Scomber japonicus" and fish of the species "Orcynopsis unicolor")
)
)
)

2. Whereas, by virtue of Regulations (EEC) No 3482/88 ^{835/88} and (EEC) No.../89, the custom duties applicable on import into the Community, excluding Spain, of certain sardines of the species *Sardina pilchardus*, and mackerel of the species "Scomber scombrus" and "Scomber japonicus" and fish of the species *Orcynopsis unicolor*, coming from Portugal ^{is} suspended; whereas, therefore, the Community tariff quota for the sardines in question should not be opened in 1990,

2. As regards the method of administration to be applied by all Member States, it is proposed that the entire quota volume be held as a Community reserve to which all Member States will have access in accordance with the procedure provided for in Article 3 of the proposal for a Regulation.

This is the purpose of the attached proposal.

Proposal for a
COUNCIL REGULATION (EEC)

of
opening ^a and providing for the administration of Community tariff quota for
certain kinds of prepared or preserved ^{tunas} coming from Portugal (1990)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 362 thereof,

Having regard to the proposal from the Commission,

Whereas Article 362 of the Act of Accession provides that during the period of progressive elimination of customs duties between the Community as constituted at 31 December 1985 and Portugal, certain kinds of sardines, tunas, fish of the genus *Euthynnus*, certain kinds of mackerel and fish of the species *Orcynopsis unicolor*, prepared or preserved, falling within CN codes ex 1604 13 10, ex 1604 20 50, 1604 14 10, 1604 19 30, 1604 20 70, 1604 15 10, 1604 19 50 and ex 1604 20 50 and coming from Portugal, may be imported free of duty into the Community as constituted at 31 December 1985 within the limits of annual Community tariff quotas of 5 000 tonnes, 1 000 tonnes and 1 000 tonnes respectively;

Whereas, by virtue of Regulations (EEC) No 3482/88 (1), (EEC) No 839/88 (2) and (EEC) No .../89(3), the customs duties applicable on import into the Community, excluding Spain, of certain sardines of the species *Sardina pilchardus* and mackerel of the species "*Scomber scombrus*" and "*Scomber japonicus*" and fish of the species "*Orcynopsis unicolor*", coming from Portugal ~~is~~ suspended;

whereas, therefore, the Community tariff quota for the sardines in question should not be opened in 1990;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rates laid down for the quota should be applied consistently to all imports of the products in question into all the Member States until the quota is exhausted;

(1) OJ No L 306, 11. 11. 1988, p. 1.

(2) OJ No L 87, 31. 3. 1988, p. 1.

(3) OJ No L 1989, p. .

Whereas, it is appropriate to take the necessary measures to ensure efficient Community administration of this tariff quota while offering the Member States the opportunity to draw from the quota volume the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission;

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

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1990 the customs duty on imports into the Community as constituted on 31 December 1988 for the following products from Portugal, shall be totally suspended within the limits of Community tariff quota as shown herewith:

Order No	CN code	Description	Quantities (tonnes)	Quota duties
09.0502	eX 1604 14 10	Prepared or preserved fish: caviar and caviar substitutes prepared from fish eggs: - Tunas	} 1 000	free
	eX 1604 20 70	- Tunas,		

Article 2

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

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 tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, 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 tariff quota.

If the quantities requested are greater than the available balance of the tariff quota, 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 product concerned have equal and continuous access to the quota for such time as the residual balance of the quota volume so permits.

Article 5

The Member States and the Commission shall cooperate closely 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

FICHE D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

Cette proposition est formulée en conformité avec l'article 362 de l'acte d'adhésion. L'impact découlant de cette concession a été pris en considération lors de la prise de décision d'adoption de ce contingent et il n'aura pas un caractère sérieux sur la compétitivité et l'emploi dans la Communauté.

Commission of the European Communities

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Office for Official Publications of the European Communities
L - 2985 Luxembourg

Series: DOCUMENTS

1989 — 5 pp. — Format: 21.0 × 29.7 cm

EN

ISSN 0254-1475

ISBN 92-77-52072-8

Catalogue number: CB-CO-89-318-EN-C

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