



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.11.1996
COM(96) 577 final

Proposal for a

COUNCIL REGULATION (EC)

temporarily suspending all or some of the autonomous Common Customs Tariff
duties on certain fishery products (1997)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. During the third quarter of this year, the Commission, assisted by the Economic Tariff Problems Group, has reviewed all the requests for temporary suspension of autonomous Common Customs Tariff duties presented to it by the Member States, including requests for extending suspensions at present in force.
2. The attached proposal concerns a number of fishery products. For industrial products, the proposals for Regulations temporarily suspending the autonomous Common Customs Tariff duties are also being prepared.
3. The requests for suspension relating to the above products were examined in the light of the criteria set out in the communication from the Commission to the Council and the Member States concerning autonomous tariff suspensions (see OJ C 235, 13.9.1989, p. 2).

Following this review, the Commission considers that the suspension of duties is justified for the products listed in the Annex to the attached proposal of Regulation.

4. As seen from Article 1 of the above-mentioned proposal of Regulation, the period of validity of the proposed measure is 12 months.

Proposal for a
COUNCIL REGULATION (EC) No /96
of 1996

temporarily suspending some or all of the autonomous Common Customs Tariff
duties on certain fishery products (1997)

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 the Community relies at present on imports from third countries for supplies of certain fishery products; whereas it is in the interest of the Community to suspend partially or totally the customs duties for these products; whereas, in order to avoid endangering the prospects for developing the production of competitive products in the Community while ensuring that the industries concerned receive the necessary supplies, it is advisable to adopt these suspension measures only from 1 January to 31 December 1997,

Whereas it is for the Community to decide to suspend these autonomous duties,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1997 the autonomous Common Customs Tariff duties on the products listed in the Annex are hereby suspended at the level indicated for each product.
2. Imports of these products shall qualify for the suspension referred to in paragraph 1 only provided that the free-at-frontier price laid down by the Member States, in accordance with Article 22 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products,¹ is not lower than the reference price fixed or to be fixed by the Community for the products or categories of products in question.

Article 2

This Regulation shall enter into force on 1 January 1997.

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

Done at,

*For the Council
The President*

¹ OJ No L 388, 31.12.1992, p. 1, as last amended by Regulation (EEC) No 1891/93 of 12.7.1993 (OJ No L 172, 15.7.1993, p.1).

	CN code & TARIC	Description	Rate of autonomous duty (%)
0001	0302 65 20 0303 75 20 ex0304 10 98 60 ex0304 90 97 31	Dogfish of the species <i>Squalus acanthias</i> , fresh, chilled or frozen	6
0002	ex0302 69 99 30 ex0303 79 96 30	Sturgeons, fresh, chilled or frozen, for processing (a) (b)	0
0003	ex0302 69 99 40	Lump fish (<i>Cyclopterus lumpus</i>) with roe, fresh or chilled, for processing (a)	0
0004	ex0302 69 99 50 ex0303 79 96 40	Red Snapper (<i>Lutjanus purpureus</i>), fresh, chilled or frozen, for processing (a) (c)	0
0005	ex0302 70 00 11 ex0302 70 00 91	Hard fish roes, fresh or chilled	0
0006	ex0303 10 00 10	Pacific salmon (<i>Oncorhynchus spp.</i>), frozen and headless, for the processing industry for manufacture into pastes or spreads (a)	0
0008	ex0304 20 55 34 ex0304 20 58 44 ex0304 90 47 30	Fillets and meat of hake of the genus <i>Merluccius</i> , excluding the species <i>Merluccius merluccius</i> , <i>Merluccius bilinearis</i> and <i>Merluccius hubbsi</i> , in the form of industrial blocks, frozen, for processing (a) (b)	8.5
0009	ex0304 20 85 10 ex0304 90 61 10	Fillets and meat of Alaska pollack (<i>Theragra chalcogramma</i>), in the form of industrial blocks, frozen, for processing (a) (b)	8.5
0010	ex0305 20 00 11 ex0305 20 00 19	Hard fish roes, salted or in brine	0
0011	ex0306 19 90 10 ex0306 29 90 10	Krill for processing (a)	0
0022	ex1604 11 00 20 ex1604 20 10 20	Pacific salmon (<i>Oncorhynchus spp.</i>), for the processing industry for manufacture into pastes or spreads (a)	0
0023	ex1604 30 90 10	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine, for processing (a)	0
0024	ex1605 10 00 11 ex1605 10 00 19	Crabs of the species 'King' (<i>Paralithodes camchaticus</i>), 'Hanasaki' (<i>Paralithodes brevipes</i>), 'Kegani' (<i>Erimacrus isenbecki</i>), 'Queen' and 'Snow' (<i>Chionoecetes spp.</i>), 'Red' (<i>Geryon quinquedens</i>), 'Rough stone' (<i>Neolithodes asperrimus</i>), <i>Lithodes antarctica</i> , 'Mud' (<i>Scylla serrata</i>), 'Blue' (<i>Portunus spp.</i>), simply boiled in water and shelled, whether or not frozen, in immediate packings of a net content of 2 kg or more	0

(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

(b) The suspension shall apply to fish intended to undergo any operation unless they are intended to undergo exclusively one or more of the following operations:

- cleaning, gutting, tailing, heading,
- cutting (excluding filleting or cutting of frozen blocks),
- sampling, sorting,
- labelling,
- packing,
- chilling,
- freezing,
- deep freezing,
- thawing, separation.

The suspension is not allowed for products intended, in addition, to undergo treatment (or operations) qualifying for suspension where such treatment (or operations) is (are) carried out at retail or catering level. The suspension of customs duties shall apply only to fish intended for human consumption.

(c) However, the suspension is not allowed where processing is carried out by retail or catering undertakings.

FINANCIAL STATEMENT

1. Budget heading involved : Chapter 12 Article 120
2. Title of operation : Proposal for a Council Regulation temporarily suspending all or some of the autonomous Common Customs Tariff duties on certain fishery products (1997).
3. Legal basis : Article 28 of the EC Treaty.
4. Objective: Suspension of the CCT duties for the above products.
5. Measures aimed at prevention and protection: Checks on the end-use of some of the products covered by this Council Regulation will be carried out in accordance with Articles 291 to 304 of Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of the Community Customs Code.
6. Cost :

In relation to the previous year (for which the cost of the entire operation had been estimated at ECU 39 000 000), the following is proposed:

- two products should be removed from the list of suspensions (CN 03038000 and 16053030) because for these products the customs duties were suspended definitively under the negotiations on Article XXIV.6 of the GATT;
- the rate of the duty for "fillets and meat of hake" should be changed from 10% to 8.5%.

It is difficult to estimate the cost owing to the lack of recent Community statistics and the accession of three new Member States for which no economic details are at present available.

However, the present estimate, taking into account:

- the most recent known EUROSTAT statistics (1994);
- the period of validity of this Regulation (1.1.1997/31.12.1997);
- the presence of three new Member States, the impact of which is estimated at about 15%, produces an increase of ECU 880 000, corresponding to the products removed from the list, and a loss of ECU 445 000 corresponding to the 1.5% decrease in the rate of duty for "fillets and meat of hake". This represents a ECU 435 000 reduction of duties not collected.

Estimated cost of the present operation (1.1.1997/31.12.1997).

The uncollected duties generated by the proposed operation can therefore be estimated as costing ECU 38 565 000, i.e. ECU 435 000 less than ECU 39 000 000 not collected under the previous operation (1.1.1996/31.12.1996).

REMARK

The increase from the removal of the two products mentioned above applies only to this operation since the customs duties are always suspended under another operation. Seen overall, the amendments to the existing regulation would bring a total loss of revenue of ECU 445 000.

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DOCUMENTS

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