



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.04.1995
COM(95) 91 final

Proposal for a

COUNCIL REGULATION (EC)

**opening and providing for the administration of autonomous
Community tariff quotas for certain fishery products (1995)**

(presented by the Commission)

EXPLANATORY MEMORANDUM

As part of the annual overall review within the Council concerning the granting of autonomous preferences for fishery products, the Commission has drawn up a report on the markets and supply needs of user industries for 1995.

Having regard to the requirements of the internal and external policies of the Community, the Commission is proposing a certain number of tariff measures, notably tariff quotas, to ensure continuation of Community production in accordance with the rules and obligations of the common organisation of the markets, and to ensure provisionally supply of the processing industries while also taking into account the current and foreseeable situation on the international market.

In these conditions, the tariff quotas for the products specified are for products which meet the conditions laid down as regards the reference prices fixed, or to be fixed, and which are intended for processing.

Furthermore, according to this proposal, these tariff measures should be opened from 1 April 1995 for a period extending to 30 June 1995 in order to allow planning of supply to the industry without destabilizing the revenue of Community producers.

This is the purpose of the attached proposal.

COUNCIL REGULATION (EC) No /95

of

opening and providing for the administration of autonomous
Community tariff quotas for certain fishery products (1995)

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 Community supplies of certain species of fish or fish fillets currently depend on imports from third countries; whereas it is in the Community's interest to suspend in part or in whole the customs duties for the products in question, within Community tariff quotas of an appropriate volume; whereas, in order not to jeopardize the development prospects of this production in the Community and to ensure an adequate supply to satisfy user industries, it is advisable to open those quotas for the period from the date of entry into force of this Regulation to 30 June 1995, applying customs duties varied accordingly to sensitivity of the different products on the Community market;

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 quotas 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;

HAS ADOPTED THIS REGULATION:

Article 1

1. From the entry into force of this Regulation to 30 June 1995, the customs duties applicable on

importation to products listed in the Annex shall be suspended at the levels and within the limits of the Community tariff quota indicated for each product.

2. Imports of the products in question shall not be covered by the quotas referred to in paragraph 1 unless the free-at-frontier price, which is determined by the Member States in accordance with Article 22 of Regulation (EEC) No 3759/92 of 17 December 1972 on the common organization of the market in fishery and aquaculture products⁽¹⁾, as last amended by Council Regulation (EC) Nr. 3318/94⁽²⁾, is at least equal to the reference price fixed; or to be fixed, by the Community for the products under consideration of the categories of the products concerned.

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 requests, 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.

(¹) OJ No L 388, 31. 12. 1992, p. 1.

(²) OJ No L 350, 31.12.94, p. 15

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

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

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

Done at Brussels

For the Council

The President

ANNEX

Series Number	CN code	Description of goods	Amount of quota (in tons)	Quota duty (%)
09.2753	ex 0302 50 ex 0302 69 35 ex 0303 60 ex 0303 79 41	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), and fish of the genus <i>Boreogadus saida</i> , excluding, livers, roes, presented fresh, chilled or frozen, for processing (a)(b)	13 200	6
09.2765	0305 62 00 0305 69 10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), and fish of the species <i>Boreogadus saida</i> , salted or in brine, but not dried or smoked	2 475	6
09.2773	ex 0306 13 10 ex 0306 23 10	Shrimps and prawns of the species <i>Pandalus borealis</i> , in shell, fresh, chilled or frozen, for processing (a)(b)	1 980	6
09.2758	ex 0302 70 00	Cod livers (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), and fish liver of the genus <i>Boreogadus saida</i> , for processing (a)(b)	100	0
09.2779	ex 0304 90 05	Surimi, frozen, for processing (a)(b)	990	6
09.2780	ex 0304 10 38 ex 0304 20 91	Blue grenadier fillets (<i>Macrouronus novaezelandiae</i>), fresh, chilled or frozen for processing (a)(b)	330	6

- (a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.
- (b) The quotas shall apply to products 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 quota is not allowed for products intended, in addition to undergo treatment (for operations) qualifying for the quota where such treatment (for operations) is (are) carried out at retail or catering level. The reduction of customs duties shall apply only to fish intended for human consumption.

TARIC codes

Series No	CN Code	TARIC code
09.2753	ex 0302 50 10 ex 0302 50 90 ex 0302 50 90 ex 0302 69 35 ex 0303 60 11 ex 0303 60 19 ex 0303 60 90 ex 0303 79 41	*11 *19 *11 *91 *10 *10 *10 *10 *10
09.2758	ex 0302 70 00	*20
09.2773	ex 0306 13 10 ex 0306 23 10 ex 0306 23 10	*10 *11 *91
09.2779	ex 0304 90 05	*10
09.2780	ex 0304 20 91 ex 0304 10 38	*10 *50

FINANCIAL RECORD

1. Budget line concerned : Chap. 12 Art. 120
2. Legal basis : Art. 28 of the Treaty
3. Title of the tariff measure concerned : Proposal for Council Regulation opening and providing for the administration of Community tariff quotas, for certain fishery products (1995)
4. Objective : To ensure an adequate supply for Community user industries
5. Motod of calculation:

Order number	CN rate of duty (%)	Rate of duty (%)	Estimated price ECU/T	Volume of quota (ECU/T)	Loss of revenue (ECU)
09.2753	13,03	6	1 270	13 200	1 178 509
09.2765	13	6	3 048	2 475	528 066
09.2773	12	6	3 099	1 980	368 161
09.2758	10	0	1 588	100	15 880
09.2779	15	6	1 829	990	162 964
09.2780	13,5	6	2 074	333	51 798

Total loss: 2 305 378

On the basis of the available Community statistics for 1993, the cost of this tariff-measure available for 1993 is estimated at 2 305 378 ECU.

DOCUMENTS

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