

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 265 final

Brussels, 17 May 1982

DRAFT COUNCIL REGULATION (EEC)

temporarily suspending the autonomous Common Customs Tariff
duties on a number of agricultural products

(submitted to the Council by the Commission)

COM(82) 265 final

COM 367

EXPLANATORY MEMORANDUM

1. The subject of the following draft regulation is the temporary suspension of duties in the Common Customs Tariff for a number of agricultural items, as requested by the Member State.

It is partly a prolongation and partly a new measure.

2. It seems appropriate to the Commission that a duty suspension is justified for the goods listed in the annex to this regulation.

The Commission proposes a total suspension for those products for which Community production does not exist or is minimal.

A partial suspension is proposed in cases where the Community production covers only a part of the requirements and where the abolition of the duty protection does not jeopardize the market for that production. The rate of the partially suspended duty depends on the extent of the possible Community supply to the Community users. The Commission is also looking for the right balance between the interests of the suppliers, users and the consumers in the Community.

It also takes into account the need to protect employment.

3. The proposed measures are confined to a fixed period because of the difficulties of estimating the evolution of the basic factors.

4. For a number of items for which the Member States also requested duty suspensions the Commission does not propose a tariff measure:

- a) 03.01 A I b) Salmon, fresh (live or dead), chilled or frozen

The Commission's opinion is that because of Irish and United Kingdom production, the duty suspension requested by France, Germany and Denmark, is not appropriate.

It should be furthermore noted that as the present CCT duty rate is only 3.3% it is questionable whether a duty suspension would have a significant impact on the price of the finished product.

- b) ex 03.01 B I h) Cod (*Gadus morrhua* or *Gadus callarias*), fresh, chilled, whole, intended for processing
- ex 03.01 B I k) Haddock, fresh, chilled, whole, intended for processing
- ex 03.01 B I q) Hake (*Merluccius* spp) fresh, chilled, whole, intended for processing
- ex 03.01 B II a) Fillets of hake (*Merluccius* spp), fresh, chilled and B II b) 7 or frozen, intended for processing

The duty suspensions requested by Denmark, for the abovementioned white fish do not seem justified, because landings from Norway and East European countries, at relatively low prices, have caused difficulties throughout the Community market.

The Commission believes that the problems experienced by Danish processors could be alleviated by better contacts with Community catchers (particularly Ireland and the United Kingdom) and, furthermore, Denmark has the possibility to benefit from a reduced rate of 3.7% for Icelandic cod and haddock.

- c) ex 03.03 A I Tails of crawfish, chilled or frozen, shelled or not

The Commission cannot accept that subsidises in form of a duty suspension (as requested by France and the United Kingdom) should be granted for these luxury goods which unlike in usual cases of duty suspension are not intended to improve the competitiveness of Community processors, but are sold direct to the consumer.

- d) ex 16.04 C II Spiced and salted herrings, in immediate packings of a net capacity of 10 kg or more of which the average weight of 7 headless herrings is greater than 1 kg

The sensitivity of the Community herring market is such that the requested duty suspension (Denmark) does not seem justified. There exists a duty reduction to 10% for this type of herring from Iceland and there are in addition measures for herring and other semi-finished herrings products erga omnes.

5. Attention is drawn to the fact that the Council Resolution of 27.6.1974 simplifying the task of the customs administrations (OJ C 79/74) requires the publication of the attached Regulation at least six weeks before this entry into force.

1982
COUNCIL REGULATION (EEC)

temporarily suspending the autonomous Common Customs Tariff duties on a
number of agricultural products

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community, and in particular Article 28
thereof,

Having regard to the draft Regulation submitted by
the Commission,

Whereas production in the Community of the
products specified in this Regulation is currently
inadequate or non-existent; whereas producers thus
cannot meet the needs of user industries in the
Community;

Whereas in certain cases it is in the interest of the
Community to suspend the autonomous Common
Customs Tariff duties only partially, particularly since
the goods in question are produced in the Community
and in the other cases to suspend them totally;

Whereas, in view of the difficulty of assessing accu-
rately short-term trends in the economic situation in
the relevant sectors, suspension measures should be

taken only temporarily by fixing their period of vali-
dity by reference to the interests of Community
production,

HAS ADOPTED THIS REGULATION:

Article 1

The autonomous Common Customs Tariff duties for
the products listed in the tables annexed hereto shall
be suspended at the level indicated against each of
them.

These suspensions shall be applicable:

- from 1 July to 31 December 1982 for
the products listed in Table I,
- from 1 July 1982 to 30 June 1983 for the
products listed in Table II.

Article 2

This Regulation shall enter into force on 1 July 1982.

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

Done at

For the Council
The President

ANNEX

TABLE I

CCT heading No	Description	Rate of autonomous duty (%)
ex 03.01 B I e)	Piked dog-fish (<i>squalus acanthias</i>), fresh, chilled or frozen, whole, headless or in pieces	6
ex 03.01 B I c)	Flaps of piked dog-fish (<i>squalus acanthias</i>), fresh, chilled or frozen	0
03.02 A I e)	Salmon, salted or in brine, whole, headless or in pieces	4
ex 03.02 A I f)	Coalfish (<i>Pollachius virens</i> or <i>Gadus virens</i>), salted or in brine, whole, headless or in pieces, intended for smoking or drying (a)	8
ex 03.02 A II d)	Fillets of coalfish (<i>Pollachius virens</i> or <i>Gadus virens</i>), salted or in brine, intended for smoking or drying (a)	9
ex 03.03 A I	Crawfish heads from the sorts <i>Palinurus</i> spp, <i>Panulirus</i> spp, <i>Jasus</i> spp, for the processing industry (a)	10
ex 07.04 B	Sweet red or green peppers, dried, dehydrated or evaporated, in pieces, with a moisture content not exceeding 9.5% but not further prepared	0
ex 07.05 B I	Beans, white, dried, of the species ' <i>Phaseolus vulgaris</i> '	0

CCT heading No	Description	Rate of autonomous duty (%)
ex 15.07 D I b) 2	<p>Purified soya bean oil in glass bottles. Each bottle holds 10 litres of purified soya bean oil containing by weight:</p> <ul style="list-style-type: none"> — a minimum of 8.5 % and a maximum of 12 % of palmitic acid esters; — a minimum of 2.5 % and a maximum of 4.7 % of stearic acid esters; — a minimum of 22.4 % and a maximum of 29 % of oleic acid esters; — a minimum of 46.6 % and a maximum of 53.7 % of linoleic acid esters; — a minimum of 7.4 % and a maximum of 11 % of linolenic acid esters; <p>and containing:</p> <ul style="list-style-type: none"> — not more than 5 millimoles of free fatty acid per kg of oil; — phosphalipids corresponding to a nitrogen content not exceeding 0.04 mg per gram of oil. <p>The soya-bean oil covered by this description is destined for the preparation of emulsions for injections (a)</p>	<p>8 with a maximum duty of 100 ECU per 100 kg net weight, plus a compensatory amount in certain conditions</p>
ex 16.04 B 1	<p>Salmon for the processing industry for manufacture into pastes or spreads (a)</p>	<p>0</p>
ex 16.05 A	<p>Crabs of the species 'King' (<i>Paralithodes camchaticus</i>), 'Hanasaki' (<i>Paralithodes brevipes</i>), 'Kegani' (<i>Erimacrus isenbecki</i>), and 'Queen' (<i>Chinocetes</i> spp), 'Red' (<i>Geryon quinque-dens</i>) and 'Rough stone' (<i>Neolithodes asperrimus</i>), simply boiled in water and shelled, whether or not frozen, in immediate packings of a net capacity of 2 kg or more</p>	<p>0</p>
ex 16.05 B	<p>Shrimps and prawns of the species '<i>Pandalus borealis</i>' boiled in water and shelled, whether or not frozen or dried, intended for the industrial processing of products falling within heading No 16.05 (a)</p>	<p>16</p>

TABLE II

CCT heading No	Description	Rate of autonomous duty (%)
ex 03.01 B I g)	Lesser or Greenland halibut (<i>Reinhardtius hippoglossoides</i> otherwise known as ' <i>Hippoglossus reinhardtius</i> '), fresh, chilled or frozen, whole, headless or in pieces	0
ex 03.03 B I q)	Sturgeons, fresh, chilled or frozen, whole, headless or in pieces, intended for processing (a) (b)	0
ex 03.01 C	Soft roes, frozen, intended for the manufacture of deoxyribonucleic acid (DNA) (a)	0
ex 03.01 C	Hard fish roes, fresh, chilled or frozen	0
ex 03.02 C	Hard fish roes, salted or in brine	0
07.01 G III	Horse-radish (<i>Cochlearia armoracia</i>) fresh or chilled	11
ex 07.03 E	Mushrooms, excluding cultivated mushrooms within the meaning of subheading 07.01 Q I, in salted or sulphur water or to which other substances ensuring their temporary preservation have been added, but not specially prepared for immediate consumption	0
ex 07.04 B	Mushrooms, excluding cultivated mushrooms within the meaning of subheading 07.01 Q I, dried, dehydrated or evaporated, whole or in identifiable slices or pieces, intended for treatment other than simple repacking for retail sale (a) (c)	0
ex 08.01 A	Dates, fresh or dried, intended for the processing industry, other than for the production of alcohol (a)	0
ex 08.01 A	Dates, fresh or dried, for packing for retail sale into immediate packings of a net capacity not exceeding 11 kg (a)	0

CCT heading No	Description	Rate of autonomous duty (%)
ex 08.09	Rose-hips, fresh	0
08.10 ex B, C and ex D	Fruit of the species Vaccinium, whether or not cooked, in frozen state, not containing added sugar	0
ex 08.10 D	Rose-hips, whether or not cooked, in frozen state, not containing added sugar	0
ex 08.10 D	Dates, frozen, in immediate packings of a net capacity of 5 kg or more, not intended for the production of alcohol (a)	0
ex 09.04 B I	Ground paprika for use in animal feedingstuffs (a)	0
ex 16.04 A II	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine	0
ex 16.05 B	Lobster flesh, cooked, to be used by the processing industry for the manufacture of butters based on lobster, pastes, and soups or sauces (a) (c)	10
23.07 A	Fish or marine mammal solubles	0

(a) Checks on their 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 the treatment is carried out by retail sale or catering undertakings.