

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM (89) 488 final

Brussels, 17 October 1989

Proposal for a

## COUNCIL REGULATION (EEC)

opening and providing for the administration of Community tariff  
quotas for cod and fish of the species *Boreogadus saida*,  
originating in Norway  
(1990)

-----  
(presented by the Commission)

1. The Agreements in the form of exchanges of letters between the European Economic Community and Norway concerning agriculture and fisheries, approved by the Council Decision of 15 September 1986,<sup>1</sup> provide in particular for the annual opening, on a date to be arranged by common accord, of Community tariff quotas for the following products originating in Norway, for which the volumes and duties applicable are given below:

Common Customs Tariff heading No	Description	Quota volume (tonnes)	Rate of duty
03.02	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process:		
	A. Dried, salted or in brine:		
	I. Whole, headless or in pieces:		
	b) Cod ( <i>Gadus morhua</i> , <i>Boreogadus saida</i> , <i>Gadus</i> <i>ogac</i> ):		
	-Dried, unsalted	3 900	0%
	-Dried, salted	13 250	0%
	-Wet salted, or in brine	10 000	0%

2. The purpose of this proposal is to implement these tariff quotas for the period 1 April to 31 December 1990, taking into account the entry into force of the Combined Nomenclature, which replaces the nomenclature of the Common Customs Tariff.
3. In order to respect the ruling of the Court of Justice of 27 September 1988 in case 51/87 the Commission proposes not to allocate the tariff quota volumes among the Member States but to allow the latter to draw against the said volumes quantities corresponding to their immediate needs, as is the usual practice in similar cases. In addition, this procedure is more in keeping with the Community nature of these tariff quotas.

<sup>1</sup> OJ No L 328, 22.11.1986, p. 76.

Proposal for a  
COUNCIL REGULATION (EEC) No

of  
opening and providing for the administration of Community tariff quotas for  
cod and fish of the species *Boreogadus saida*,  
originating in Norway ( 1990)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Kingdom of Norway was concluded on 14 May 1973; whereas, consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community, an Agreement in the form of Exchanges of Letters was concluded and approved by Decision 86/557/EEC (1);

Whereas, the latter Agreement provides for the opening, on a date to be fixed by common accord, of Community tariff quotas at reduced or zero duty for cod and fish of the species *Boreogadus saida* originating in Norway; whereas the tariff quotas in question should therefore be opened for the period agreed from 1 April to 31 December 1990;

Whereas equal and continuous access to the said quotas should be ensured for all Community importers and the rates laid down for the quotas should be applied consistently to all imports of the products in question into all

the Member States until the quotas are exhausted;

Whereas, the necessary measures should be taken to ensure that these tariff quotas are administered efficiently and on a Community basis, so that Member States have the option of drawing 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 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 quotas may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION

Article 1

1. From 1 April to 31 December 1990, the customs duties applicable to imports of the following products originating in Norway shall be suspended at the levels indicated and within the limits of Community tariff quotas as shown below:

Order No	CN code (2)	Description	Volume of quota (tonnes)	Rate of duty (%)
09.0707	0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal fit for human consumption:	1 900	0
	0305 51	- Dried fish, whether or not salted but not smoked		
	ex 0305 51 10	- - Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ): - - - Dried, unsalted: - Excluding of cod of the species ( <i>Gadus macrocephalus</i> )		
	0305 59	- - Other: - - - Fish of the species <i>Boreogadus saida</i> : - - - - Dried, unsalted		
09.0703	0305 51	- - Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ):	13 250	0
	ex 0305 51 90	- - - Dried, salted: - Excluding cod of the species <i>Gadus macrocephalus</i>		
	0305 59	- - Other: - - - Fish of the species <i>Boreogadus saida</i> : - - - - Dried, salted		
09.0705	ex 0305 62 00	- Fish, salted but not dried or smoked and fish in brine: - - Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ): - Excluding the species <i>Gadus macrocephalus</i>	10 000	0
	0305 69	- - Other:		
	0305 69 10	- - - Fish of the species <i>Boreogadus saida</i>		

(1) OJ No L 308, 22. 11. 1986, p. 76.

(2) See TARIC codes in annex.

Within the limits of the above tariff quotas the Kingdom of Spain and the Portuguese Republic shall apply duties of 2,6 and 0 % respectively.

2. Where the Community has fixed a reference price for the products or categories of products concerned, imports of those products shall benefit from the quotas referred to in paragraph 1 only if the free-a-frontier price determined by the Member States in accordance with Article 21 of Regulation (EEC) No 3796/81 (1), as last amended by Regulation (EEC) No 1495/89(2), is at least equal to the reference price.

3. The Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation annexed to the Agreement between the European Economic Community and the Kingdom of Norway shall apply.

*Article 2*

The tariff quota 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 a declaration of entry into free circulation, including a request for benefit under the preferential system for a product covered by this Regulation and if this  $\Gamma$  is accepted by the customs authorities, the Member States concerned shall inform the Commission and draw an amount corresponding to its requirements from the quota volume.

The drawing requests, with indication of the date of acceptance of the said declarations, must be transmitted to the Commission without delay.

The drawings shall be granted by the Commission by reference to the date of acceptance of the declarations of entry into 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.

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 thereof by the Commission.

*Article 4*

Each Member State shall ensure importers of the products concerned  $\Upsilon$  access to the quotas for such time as the residual balance of the quota volumes so permits.

$\Upsilon$  equal and continuous

$\Gamma$  declaration

*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 April 1990.

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

Done at Brussels,

*For the Council*  
*The President*

(1) OJ No L 379, 31.12.1981, p. 1.  
(2) OJ No L148, 1.6.1989, p. 1.

## ANNEX

TARIC codes

Order N°	CN code	TARIC codes
09.0707	ex 0305 51 10 :	0305 51 10*10 *20
09.0703	ex 0305 51 90	0305 51 90*11 *19 *20
09.0705	ex 0305 62 00	0305 62 00*11 *19 *21 *29 *31 *39

FICHE FINANCIERE

---

1. Ligne budgétaire concernée : Chap. 12 art.120
2. Base juridique : art. 113 du traité
3. Intitulé de la mesure tarifaire : Proposition de règlement du Conseil portant ouverture et mode de gestion de contingents tarifaires communautaires pour des morues et des poissons de l'espèce Boregadus saida, originaires de Norvège
4. Objectif : Respecter les engagements contractés par la Communauté vis-à-vis de la Norvège
5. Mode de calcul :

- codes de la N.C.:	ex 0305 51 10	ex 0305 51 90	ex 0305 62 00
	ex 0305 59 11	0305 59 19	0305 69 10
- volumes des contingents (en tonnes)	3 900	13 250	10 000
- droit à appliquer	0 %	0 %	0 %
- droit normal	13 %	13 %	13 %

6. Perte de recettes :
  - valeur d'une tonne 13 563 écus 4 338 écus 3 395 écus
  - valeur totale : 52 895 700 écus 57 478 500 écus 33 950 000 écus
  - Perte de recette : 6 876 441 écus 7 472 205 écus 4 413 500 écus

---

Perte totale 18 762 146 écus

Par rapport à 1989, augmentation des pertes de 18 762 146 écus -  
18 318 759 écus = 443 387 écus.

FICHE D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

Cette proposition est formulée 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 ce contingent, et il n'aura pas un caractère sérieux sur la compétitivité et l'emploi dans la Communauté.





ISSN 0254-1475

COM(89) 488 final

# DOCUMENTS

EN

11 02

---

Catalogue number : CB-CO-89-448-EN-C

ISBN 92-77-53520-2

---

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