

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(89) 616 final

Brussels, 6 December 1989

Proposal for a
COUNCIL REGULATION (EEC)

opening and providing for the administration of
autonomous Community tariff quotas for certain
fishery product
(1990)

Proposal for a
COUNCIL REGULATION (EEC)

partially and temporarily suspending the autonomous
duties of the Common Customs Tariff on
certain fish fillets

(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 1989.

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 reduced duty tariff quotas or suspensions, to ensure continuation of Community production in the content of the rules and obligations of the common organisation of the markets and to ensure supply of the processing industries while also taking into account the current and foreseeable situation on the international market.

In these conditions, the tariff preferences 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, this proposal foresees the opening of autonomous quotas from 1 April 1990 for a period extending to 31 December 1990 in order to allow planning of supply to the industry without destabilizing the revenue of Community producers. The tariff suspensions however will be in force from 1 January to 31 December 1990.

This is the purpose of the attached proposals.

Proposal for a
COUNCIL REGULATION (EEC) No
of
opening and providing for the administration of autonomous Community tariff
quotas for certain fishery products (1990)

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 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 partially 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 these quotas for the period from 1 April until 31 December 1990 applying customs duties varied according 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 necessary measures should be taken to ensure efficient Community management of the tariff quotas, while allowing Member States to draw on the quota volume the necessary quantities which correspond to importations actually made; whereas this type of management 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 relating to the administration of the tariff quotas may be carried out by any of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 April until 31 December 1990 the customs duties applicable on importation to products listed below shall be suspended at the levels and within the limits of the Community tariff quotas indicated for each product:

Order No. (1)	Clt-code (1) (2)	Description (3)	Amount of quotas (in tonnes) (4)	Quota duty (%) (5)
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)	40 000	3,7

Order No	CN-code (1)	Description	Amount of quota (in tonnes)	Quota rate (%)
09.2755	ex 0302 63 00 ex 0303 73 00	Coalfish <i>Pollachius virens</i> , excluding livers, roes, presented fresh, chilled or frozen, for processing (a) (b)	15 000	3,7
09.2757	ex 0302 62 00 ex 0303 72 00	Haddock (<i>Melanogrammus aeglefinus</i>), excluding livers, roes, presented fresh, chilled or frozen, for processing (a) (b)	9 000	3,7
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	49 000	9
09.2767	0305 51 10 0305 59 11	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , dried, unsalted, not smoked	500	10
09.2769	ex 0305 30 11 ex 0305 30 19	Fish fillets, dried, whether or not salted, of cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and of fish of the species <i>Boreogadus saida</i> ^{but not smoked}	1 000	12
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)	4 000	6
09.2789	ex 0304 20 98	Fillets of blue whiting (<i>Merluccius merluccius</i> or <i>Gadus poutassou</i>), in the form of industrial blocks, frozen, for processing (a) (b)	1 500	10

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

(b) The quota 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 (or operations) qualifying for the quota where such treatment (or operations) is (are) carried out at retail or catering level. The reduction of customs duties shall apply only to fish intended for human consumption.

(1) See TARIC Codes in the Annex

2. Within the limits of these tariff quotas, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions in the Act of Accession.

3. 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 21 of Regulation (EEC) No 3796/81 (1) is at least equal to the reference price fixed, or to be fixed, by the Community for the products under consideration or the categories of the products concerned.

as last amended by Regulation (EEC) No. 3468/88 (2).

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.

(1) OJ No L 379, 31. 12. 1981, p. 1.

(2) OJ No L 305, 10.11.1988, p. 1

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 request 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.

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 in accordance with the same procedures.

Article 4

Each Member State shall ensure that importers of the products concerned have access to the quotas for such time as the residual balance of the quota volumes so permits.
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equal and uninterrupted

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

Proposal for a

COUNCIL REGULATION (EEC) No

of

partially and temporarily suspending the autonomous duties
of the Common Customs Tariff on certain fish fillets

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 proposal from the Commission,

fillets of

Whereas Community supplies of certain species of fish
currently depend on imports
from third countries; whereas it is in the Community's
interest to suspend partially the customs duties for the
products in question; → unlimited quantities of

whereas, in order not to
jeopardize the development prospects of production of competitive products
in the Community and to ensure an adequate supply to
satisfy user industries, it is advisable to limit these suspension measures to a period
from 1 January to 31 December 1990,

HAS ADOPTED THIS REGULATION

Article 1

1. From 1 January to 31 December 1990, the autonomous duties of the
Common Customs Tariff applicable to the products listed in the
table below shall be suspended to the level indicated in respect
of each of them:

CN code (1)	Description	Rate of duty %
ex 0304 20 57	Fillets of hake (<i>Merluccius</i> spp., excluding the genus <i>Merluccius merluccius</i> , <i>Merluccius Bilinearis</i> and <i>Merluccius carpensis</i>), frozen for processing (a) (b)	12
ex 0304 20 85	Fillets of Alaska pollack (<i>Tberagra chalcogramma</i>), frozen, for processing (a) (b) in the form of industrial blocks,	12

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

(1) See TARIC codes in the Annex

2. In the framework of these suspensions, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with the relevant provisions in the Act of Accession.

3. Imports of the products in question shall not be covered by the ^{suspensions} referred to in paragraph 1 unless the free-at-frontier price, which is determined by the Member States in accordance with Article 21 of Regulation (EEC) No 3796/81 (1) is at least equal to the reference price fixed, or to be fixed, by the Community for the products under consideration or the categories of the products concerned.

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as last amended by Regulation (EEC)
No. 3468/88 (2).

Article 2

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

(1) OJ No. L 379, 31.12.1981, p. 1

(2) OJ No. L 305, 10.11.1988, p. 1

1. Ligne budgétaire concernée : Chap. 12 art. 120
2. Base juridique : art. 28 du traité
3. Intitulé de la mesure tarifaire : Propositions de règlements du Conseil portant ouverture et mode de gestion de contingents tarifaires communautaires ou suspension partielle des droits pour certains produits de la pêche.
4. Objectif : Assurer l'approvisionnement, à des conditions favorables, des industries communautaires.
5. Perte de recettes :

Espèces de poissons	Quantités en tonnes	Prix en ECU/tonne	Droit normal (en %)	Droit contingentaire (en %)	Perte de recettes (en Ecus)
Filets de merlus en blocs, congelés	30.000	1 200	15	12	1.080.000
Filets de lieus de l'Alaska, en blocs congelés	25.000	1 200	15	12	900.000
Morues, fraîches, réfrigérées ou congelées	40.000	1 000	12-15	3,7	3.320.000
Lieus noirs, frais, réfrigérés ou congelés	15.000	800	15	3,7	1.356.000
Eglefins, frais, réfrigérés ou congelés	9 000	1 350	15	3,7	1.372.950
Morues salées	49.000	3 400	13	9	6.664.000
Morues séchées	500	13 200	13	10	198.000
Filets de morues, séchés	1.000	4 600	16	12	184.000
Crevettes	4.000	3 600	12	6	864.000
Merlans poutassou	1.500	350	15	10	26.250
					15.965.200

Par rapport à l'année 1989, augmentation des pertes de recettes de
 15.965.200 Ecus - 14.493.100 Ecus = 1.472.100 Ecus

FICHE D'IMPACT SUR LA COMPETITIVITE ET L'EMPLOI

La présente proposition vise l'ouverture de contingents tarifaires communautaires autonomes ou la suspension partielle de certains droits destinées à couvrir, à des conditions favorables, les besoins des industries utilisatrices. Elle aura pour effet de permettre à ces industries de concurrencer celles des pays tiers sur les marchés de la Communauté et des pays tiers et de maintenir ou même d'améliorer l'emploi dans la Communauté.



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