



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.12.1995
COM(95)660 final

95/0352 (ACC)

Proposal for a

COUNCIL REGULATION (EC)

opening and providing for the administration of Community tariff quotas for certain
fishery products as well as liver horses originating in Iceland

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The European Economic Community signed an Agreement with Iceland on 22 July 1972.
2. The Act of Accession of Austria, Finland and Sweden requires further adjustment of the above Preferential Agreement as from 1 January this year, to take into account the trade arrangements for fishery products between the three new Member States and Iceland.
3. The Community has therefore concluded with Iceland, on the one part, an additional protocol to the preferential agreement and on the other part, an agreement under the form of an exchange of letters in which Community tariff quotas for certain fishery products and live horses originating in Iceland are opened respectively for a period running from 1 January to 31 December of each year.
4. The purpose of the annexed proposal is to implement this tariff quota for an indefinite period. Accordingly and for reasons of efficiency and simplifying the implementation of the measures concerned it seems desirable that the regulation should be pluriannual.
5. Furthermore, as the adaptations arising from the combined nomenclature of the TARIC and those concerning quotas volumes and quota rates laid down in Council or Commission decisions involve no change of substance, it is proposed that the Council should empower the Commission to implement these measures by adopting regulations following receipt of an opinion from the Customs Code Committee.
6. As in the case of other Community tariff quotas, the proposal does not provide for the allocation among the Member States of the quota volumes but enables the Member States to draw from the quota volumes the quantities required to cover the actual imports recorded.

Proposal for a
COUNCIL REGULATION (EC)

of

opening and providing for the administration of Community tariff quotas for certain fishery products as well as liver horses originating in Iceland

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas an Agreement was concluded between the European Economic Community and Iceland;¹

Whereas, following the accession of Austria, Finland and Sweden, the above mentioned quotas have to be adjusted to take into account, *inter alia*, the existing trade arrangements for fishery products between these countries and Iceland;

Whereas an Additional Protocol to the above Agreement as well as an agreement on the form of an exchange of letters has therefore been concluded between the Community and Iceland and approved by Council Decisions;² whereas by the provisions of this Protocol the Community has undertaken to open Community tariff quotas at zero duty for a number of products originating in Iceland, from 1 January to 31 December each year;

Whereas the tariff quota provided in the agreement in question relates to an indefinite period and accordingly, for reasons of efficiency and simplifying the implementation of the measures concerned, it appears suitable to provide that the application of this regulation should be placed on a pluriannual footing;

Whereas, for reasons of simplification, provision should be made to empower the Commission to give effect, following receipt of the Customs Code Committee, to necessary amendments and technical adaptations of this regulation arising from amendments of the combined nomenclature and TARIC codes, the extensions of tariff measures, the necessary adaptations following the conclusion of protocols or exchange of letters, the modifications of this regulation for the bringing into play of any other act in the framework of this agreement as well as the adaptations of volume, periods and quota rates arising from decisions by the Council or Commission;

Whereas all Community importers should be ensured equal and continuous access to the said quota and the duty rate laid down for the quota should be applied consistently to all imports of the product in question into all Member States until the quota is exhausted, during the whole period of validity of the EEC Iceland Agreement.

1 OJ No L 301, 31.12.1972, p.2.

2 OJ No L ... ; OJ No L

Whereas the decision for the opening, in the execution of its international obligations, of 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 authorising the Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas 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 1 January to 31 December of each year, the customs duties applicable to the products referred to in this Regulation shall be suspended or reduced to the levels indicated for each product, within the limit of the Community tariff quota shown for each product.

2. Imports of fishery products shall not qualify for the tariff quotas unless the free-at-frontier price established by the Member States in accordance with Article 22 of Council Regulation (EEC) N° 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products³ is at least equal to any reference price which has been fixed by the Community for the products or categories of products in question..

The provisions of the Protocol 3 of the Agreement between the European Economic Community and the Republic of Iceland defining the concept of originating products and setting out the arrangements for administrative cooperation as amended at last by Decision No. 1/94 of the EC-Iceland Joint Committee of the 8 March 1994 shall apply.

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take any appropriate administrative measures in order to ensure efficient administration.

Article 3

If an importer presents in a Member State a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the quota volume by means of notification to the Commission, a quantity corresponding to those needs.

³ OJ N° L 388, 31.12.1992, p. 1. Regulation as last amended
by Regulation (EC) N° 3318/94 (OJ N° L 350, 31.12.1994, p. 1).

⁴ OJ N° L 204, 6.8.94, p. 62

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

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return the as soon as possible to the corresponding quota volume.

If the quantities requested are greater than the available balance of the quota volume, 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 guarantee importers of the products in question equal and continuous access to the quotas as long as the balance of the corresponding quota volume allows.

Article 5

1. The provisions necessary for the application of this Regulation, in particular:
 - (a) the amendments and technical adaptations, insofar as necessary, arising from amendments of the combined nomenclature and Taric codes
 - (b) the necessary adaptations resulting from the conclusion by the Council of protocols or exchange of letters between the Community and this country in the framework of the agreement envisaged by this Regulation
 - (c) the prorogation of tariff measures conforming to the provisions contained in the agreement envisaged by this Regulation
 - (d) the necessary adaptations of volumes, periods and quota duty arising from decisions adopted by the Council, and
 - (e) the modifications of the present regulation necessary for the putting into practice of any other act in the framework of the agreement foreseen by this Regulation shall be adopted in accordance with the procedure laid down in Article 6
2. The provisions adopted under Paragraph 1 shall not authorise the Commission to
 - carry over a balance of preferential quantities from one period to another,
 - modify the timetable laid out in the agreements,
 - transfer quantities from one quota to another,
 - open and manage quotas resulting from new agreements,
 - adopt legislation effecting the management of quotas which are the subject of certificates of importation

Article 6

1. The Commission shall be assisted by the Customs Code Committee set up by Article 247 of Regulation (EEC) No 2913/92 (5).
2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures, which apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- the Commission shall defer application of the measures which it has decided for three months from the date of such communication;
 - the Council, acting by qualified majority, may take a different decision within the period referred to in the previous paragraph.
3. The Committee may examine any question concerning the application of this Regulation which is raised by its chairman either on his own initiative or at the request of a Member State.

Article 7

Member States and the Commission shall cooperate closely in order to ensure that this Regulation is complied with.

Article 8

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

It shall apply from 1 January 1995 for the whole period of validity of the Agreement...

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

Done at Brussels,

For the Council
The President

ANNEX

Order No	CN code	Taric code	Description	Amount of quotas	Quota duty (%)
09.0791	0101 19 10 0101 19 90	- -	Live horses	100 head	0
09.0793	0302 12 00 0304 10 13 0304 20 13		Salmon, fresh or chilled Salmon fillets, fresh or chilled Frozen salmon fillets	50 T	0
09.0794	0302 23 00 0302 29 0302 69 85 0303 32 00 0303 79 96 0304 10 19 0304 10 33 0304 10 35 EX 0304 10 38 0304 10 98 0304 20 19 0304 90 35 0304 90 38 0304 90 39 0304 90 41 0304 90 47 0304 90 59 EX 0304 90 97	- - - - - - - - -0304 1038 *10 20 50 90 - - - - - - - - - - - 0304 90 97 *31 39 50 60 70 80 90	Sole, fresh or chilled Megrin and other flat fish, fresh or chilled Blue whiting fresh or chilled Frozen plaice Other frozen fish Coalfish fillets, chilled or frozen Fish of coalfisch, fresh or chilled Redfish fillets, fresh or chilled Other fish fillets, other than herring and Mackerel, fresh or chilled Other fish meat, fresh or chilled Frozen salmon fillets Frozen fillets of other freshwater fish Frozen cod meat of the species Gadus macrocephalus Frozen cod meat of the species Gadus morhua Frozen cod meat of the species Gadus ogac and frozen fish meat of the species Boreogadus saida Frozen coalfish meat Frozen hake meat of the genus Merluccius Frozen blue whiting meat Other frozen fish meat, except mackerel	250 T	
09.0795	0305 61 00	-	Herring, salted but not dried or smoked, and herring in brine	1 750 T	0
09.0796	0306 19 30	-	Frozen Norway lobsters (Nephrops norvegicus)	50 T	0
09.0797	1604 12 91 1604 12 99	- -	Other prepared or preserved herring, in hermetically sealed containers Other prepared or preserved herring, other	2 400 T	0
09.0798	1604 19 98 EX 1604 20 90	- 1604 20 90 *20/80 30/80 35/80 50/80 90/80	Other prepared or preserved fish, whole or in pieces Other prepared or preserved fish meat, except herring and mackerel	50 T	0

FINANCIAL STATEMENT

1. Budget heading involved: Chap. 12, Art. 120
2. Legal basis: Article 113
3. Title: opening and providing for the administration of Community tariff quotas for certain fishery products as well as liver horses originating in Iceland
4. Objective: To honour the undertakings given by the Community
5. Loss of revenue:

Description	Quantity (t)	Average price (ECU)	Normal average rate of duty (%)	Duty applicable to quota (%)	Loss of revenue (ECU)
Fresh or chilled fish					
Frozen fish	300	2 305	6.6	0	45 639
Fish fillets and other fish meat					
Fish, dried, salted or in brine	1 750	3 594	12	0	754 740
Crustaceans	50	4 165	13	0	27 072
Prepared or preserved fish	2 450	5 967	7.9	0	1 154 912
Live horses	100 head	3 600 Ecu/head	16,9	0	60 840

ECU 2 043 203

ISSN 0254-1475

COM(95) 660 final

DOCUMENTS

EN

02 03 11

Catalogue number : CB-CO-95-747-EN-C

ISBN 92-77-98371-X

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