



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 02.03.1999  
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Proposal for a

**COUNCIL REGULATION (EC)**

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

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

1. 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 1999.
2. 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 supply of the processing industries while also taking into account the current and foreseeable situation on the international market.
3. 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.
4. Furthermore, according to this proposal, these tariff measures should be opened from 1 April 1999 for periods extending to 31 March 2000 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.

Proposal for a

**COUNCIL REGULATION (EC)**

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

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 fishery products 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, 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 quota-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;

Whereas Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code<sup>1</sup>, has codified the management rules for tariff quotas designed to be used following the chronological order of dates of customs declarations;

HAS ADOPTED THIS REGULATION:

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<sup>1</sup>. OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 46/99 (OJ L 10, 15.1.1999, p. 3).

### *Article 1*

1. The import duties on the goods listed in the Annex shall be suspended at the indicated duty rate for the periods and in the amounts indicated therein.
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 in accordance with Article 22 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products<sup>2</sup>, 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 administered by the Commission in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

### *Article 3*

The Member States and the Commission shall co-operate closely to ensure that this Regulation is complied with.

### *Article 4*

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

It shall apply from 1 April 1999.

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

Done at Brussels,

*For the Council*  
*The President*

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<sup>2</sup> OJ L 388, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 3318/94 (OJ L 350, 31.12.1994, p. 15).

**ANNEX**

| Order No | CN code   | TARIC code                             | Description   | Amount of quota (in tons) | Quota duty (%) | Quota period       |
|----------|---|--|---|---------------------------|----------------|--------------------|
| 09.2753  | ex 0302 50 10<br>ex 0302 50 90<br>ex 0302 69 35<br>ex 0303 60 11<br>ex 0303 60 19<br>ex 0303 60 90<br>ex 0303 79 41 | 20<br>10<br>10<br>10<br>10<br>10<br>10 | Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and fish of the species <i>Boreogadus saida</i> , excluding livers and roes, presented fresh, chilled or frozen, for processing (a)(b) | 70.000                    | 3              | 01.04. - 31.12.99  |
| 09.2756  | ex 0303 60 11<br>ex 0303 60 19<br>ex 0303 60 90<br>ex 0303 79 41  | 10<br>10<br>10<br>10                   | Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and fish of the species <i>Boreogadus saida</i> , excluding livers and roes, frozen, for processing (a)(c)                             | 7.000                     | 3              | 01.04. - 31.12.99  |
| 09.2758  | ex 0302 70 00   | 20                                     | Cod livers ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and fish liver of the species <i>Boreogadus saida</i> , fresh or chilled, for processing (a)(b)                                 | 300                       | 0              | 01.04. - 31.12.99  |
| 09.2765  | ex 0305 62 00<br><br>ex 0305 69 10  | 20<br>25<br>29<br>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, for processing (a)(b)                   | 8.000                     | 3              | 01.04. - 31.12.99  |
| 09.2773  | ex 0306 13 10<br>ex 0306 23 10  | 10<br>11<br>91                         | Shrimps and prawns of the species <i>Pandalus borealis</i> , in shell, fresh, chilled or frozen, for processing (a)(b)  | 12.000                    | 0              | 01.04.99- 31.03.00 |
| 09.2779  | ex 0304 90 05   | 10                                     | Surimi, frozen, for processing (a)(b)   | 15.000                    | 3,5            | 01.04. - 31.12.99  |
| 09.2780  | ex 0304 20 91<br>ex 0304 90 97  | 10<br>60                               | Frozen blue grenadier fillets ( <i>Macruronus novaezealandiae</i> ) and other frozen meat of blue grenadier, for processing (a)(b)  | 20.000                    | 3,5            | 01.04. - 31.12.99  |

|         |  |                      |   |        |     |                      |
|---------|--|----------------------|---|--------|-----|----------------------|
| 09.2785 | ex 0307 49 59<br>ex 0307 99 11                                   | 10<br>10             | Tubes of squid ( <i>Ommastrephes spp.</i> -- excluding <i>Ommastrephes sagittatus--</i> , <i>Nototodarus spp.</i> , <i>Sepioteuthis spp.</i> ) and <i>Illex spp.</i> , frozen, for processing (a)(b)  | 11.000 | 3,5 | 01.04. -<br>31.12.99 |
| 09.2786 | ex 0307 49 59<br>ex 0307 99 11                                   | 20<br>20             | Squid ( <i>Ommastrephes spp.</i> -- excluding <i>Ommastrephes sagittatus--</i> , <i>Nototodarus spp.</i> , <i>Sepioteuthis spp.</i> ) and <i>Illex spp.</i> , frozen whole, tentacles and fins, for processing (a)(b)   | 500    | 3   | 01.04. -<br>31.12.99 |
| 09.2788 | ex 0302 40 98<br>ex 0303 50 98<br>ex 0304 10 96<br>ex 0304 90 27 | 10<br>10<br>10<br>10 | Herrings ( <i>Clupea harengus</i> , <i>Clupea pallasii</i> ), whole, of a weight exceeding 140 g per piece (whole herring) or fillets of a weight exceeding 80 g per piece (fillet) including flaps, excluding livers and roes, fresh, chilled or frozen, for processing (a)(b) | 20.000 | 0   | 01.11. -<br>31.12.99 |
| 09.2790 | ex 1604 14 16  | 10                   | Fillets known as "loins" of tunas and skipjack, for processing (a)(b)   | 2.500  | 6   | 01.04 -<br>31.12.99  |

- (a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.
- (b) This quota is available for products intended to undergo any operation, unless it is solely for one or more of the following operations:
- cleaning, gutting, tailing, heading,
  - cutting (excluding dicing, filleting, production of flaps or cutting of frozen blocks),
  - sampling, sorting,
  - labelling,
  - packing,
  - chilling,
  - freezing,
  - deep freezing,
  - thawing, separation.

The quota is not available for products intended, in addition, to undergo treatment (or operations) which gives quota entitlement, 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.

- (c) The quota is available for products destined exclusively for salting and drying.

## FINANCIAL STATEMENT

### 1. TITLE OF OPERATION

Proposal for Council Regulation opening and providing for the administration of Community tariff quotas, for certain fishery products.

### 2. BUDGET HEADING INVOLVED

Chap. 12 Art. 120

### 3. LEGAL BASIS

Art. 28 of the Treaty

### 4. DESCRIPTION OF OPERATION

#### 4.1 General objective

To ensure an adequate supply for Community user industries.

### 5. FINANCIAL IMPACT

#### 5.1 Method of calculating total cost of operation (relation between individual and total costs)

| Description | Variation on quantities (Tons)   | Variation of the estimate price (€/tons) | Variation on normal duty rate (%) | Variation on quota duty (%) | Assessed variation on duty loss against the preceding quota period (€) |
|-------------|----------------------------------|--|-----------------------------------|-----------------------------|--|
| 09.2753     | + 4.500<br>(v. previous: 65.500) | 0<br>(p. previous: 1.176)                | 0<br>(d. previous: 12)            | 0,7<br>(d. previous: 3,7)   | + 1.015.476<br>(previous loss: 6.393.324)                              |
| 09.2756     | - 2.000<br>(v. previous: 9.000)  | 0<br>(p. previous : 1.193)               | 0<br>(d. previous: 12)            | 0,7<br>(d. previous: 3,7)   | - 139.581<br>(previous loss: 891.171)                                  |
| 09.2758     | 0<br>(v. previous: 300)          | 0<br>(p. previous: 1.496)                | 0<br>(d. previous: 10)            | 0<br>(d. previous: 0)       | 0<br>(previous loss: - 14.960)   |
| 09.2765     | 0<br>(v. previous: 8.000)        | 0<br>(p; previous: 2.927)                | 0<br>(d. previous: 13)            | 0,7<br>(d. previous: 3,7)   | + 163.912<br>(previous loss: 2.370.870)                                |

|         |                                     |                              |                               |                                |  |
|---------|-------------------------------------|------------------------------|-------------------------------|--------------------------------|--|
| 09.2773 | + 3.000<br>(v. previous:<br>9.000)  | 0<br>(p. previous:<br>3.202) | 0<br>(d. previous:<br>12)     | 0<br>(d. previous:<br>0)       | + 1.152.720<br>(previous loss:<br>3.458.160) |
| 09.2779 | 0<br>(v. previous:<br>12.000)       | 0<br>(p. previous:<br>2.199) | 0<br>(d. previous:<br>15)     | - 2,5<br>(d. previous:<br>6)   | + 1.418.355<br>(previous loss:<br>2.374.920) |
| 09.2780 | + 15.000<br>(v. previous:<br>5.000) | 0<br>(p. previous:<br>1.315) | - 3<br>(d. previous:<br>10,5) | - 2,5<br>(d. previous:<br>6)   | + 756.125<br>(previous loss:<br>295.875)     |
| 09.2785 | + 2.000<br>(v. previous:<br>9.000)  | 0<br>(p. previous:<br>1.365) | 0<br>(d. previous:<br>8)      | 0<br>(d. previous:<br>3,5)     | + 122.850<br>(previous loss:<br>552.825)     |
| 09.2786 | 0<br>(v. previous:<br>500)          | 0<br>(p. previous:<br>1.365) | 0<br>(d. previous:<br>8)      | - 0,5<br>(d. previous:<br>3,5) | + 3.413<br>(previous loss:<br>30.712)        |
| 09.2788 | + 7.500<br>(v. previous:<br>12.500) | 0<br>(p. previous:<br>350)   | 0<br>(d. previous:<br>15)     | 0<br>(d. previous:<br>0)       | + 393.750<br>(previous loss:<br>656.250)     |
| 09.2790 | + 1.300<br>(v. previous:<br>1.200)  | 0<br>(p. previous:<br>3.984) | 0<br>(d. previous:<br>24)     | - 2<br>(d. previous:<br>8)     | + 167.328<br>(previous loss:<br>764.928)     |

Sum of assessed variation on duty loss against the preceding quota period:  
+ **4.454.348 €**.

## **6. FRAUD PREVENTION MEASURES**

Provisions on the management of these tariff quotas include the measures necessary for preventing frauds and irregularities and protecting against them.