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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 15.11.1999  
COM(1999) 542 final

1999/0215(ACC)

Proposal for a

**COUNCIL REGULATION**

**renewing for 2000 the measures laid down in Regulation (EC) No 1416/95 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

Pursuant to Articles 76, 102 and 128 of the Act of Accession, Austria, Finland and Sweden had to apply, with effect from 1 January 1995, the provisions of the preferential agreements concluded by the Community with certain third countries (Switzerland and Norway), it being understood that all the amendments required as a result of enlargement would be the subject of additional protocols to be negotiated with the countries in question.

However, the above Articles stipulate that if the protocols had not been concluded by 1 January 1995 the Community must take the necessary steps to regulate the situation.

It is essential, therefore, to take autonomous transitional measures so as to take account of the trade arrangements for processed agricultural products which existed between the new Member States and the third countries in question.

These autonomous measures were implemented under Council Regulation (EC) No 1416/95 and have been renewed each year since 1995.

Given that the protocols have not yet been concluded, it is therefore necessary to renew the abovementioned Regulation for 2000.

However, such measures will only be adopted on the express condition that the third countries concerned take equivalent reciprocal autonomous measures in favour of the European Community.

Proposal for a

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**renewing for 2000 the measures laid down in Regulation (EC) No 1416/95 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products**

**(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 1416/95 of 19 June 1995 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products<sup>1</sup> opened tariff quotas for 1995 in favour of Switzerland and Norway in accordance with the conditions set out in Annexes I and II thereto.
- (2) Regulation (EC) No 1416/95 was renewed for 1996, 1997, 1998 and 1999 by Regulations (EC) No 102/96,<sup>2</sup> No 306/97<sup>3</sup> No 560/98<sup>4</sup> and No 2847/98<sup>5</sup> respectively.
- (3) It was not possible to conclude additional Protocols before 1 January 2000. In these circumstances and pursuant to Articles 76, 102 and 128 of the Act of Accession, the Community must adopt the measures required to remedy the situation. Therefore, it is necessary to renew the measures provided for in Regulation (EC) No 1416/95 for 2000.
- (4) Since the measures provided for in the event of suspension of this Regulation are management measures within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission,<sup>6</sup> they should be adopted by the management procedure laid down in Article 4 of that Decision.
- (5) 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

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<sup>1</sup> OJ L 141, 24.6.1995, p. 1.

<sup>2</sup> OJ L 19, 25.1.1996, p. 1.

<sup>3</sup> OJ L 51, 21.2.1997, p. 8.

<sup>4</sup> OJ L 76, 13.3.1998, p. 1.

<sup>5</sup> OJ L 358, 31.12.1998, p. 14.

<sup>6</sup> OJ L 184, 17.7.1999, p. 23.

Community Customs Code<sup>7</sup> consolidated the arrangements for managing the tariff quotas to be used in chronological order of the dates of acceptance of the declarations for release for free circulation,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. The measures provided for in Article 1 of Regulation (EC) No 1416/95 shall be renewed to cover 2000.

Annexes I and II to Regulation (EC) No 1416/95 shall be replaced by Annexes I and II to this Regulation.

2. If Switzerland and Norway discontinue the application of the reciprocal measures in favour of the Community, the Commission may, in accordance with the procedure laid down in Article 2 of this Regulation, suspend application of the measures provided for in paragraph 1.

#### *Article 2*

The Commission shall be assisted by the Committee referred to in Article 15 of Council Regulation (EC) No 3448/93.<sup>8</sup> Where reference is made to this Article, the management procedure laid down in Article 4 of Decision 1999/468/EC shall be applied. The period provided for in Article 4(3) of Decision 1999/468/EC shall be set at one month.

#### *Article 3*

The Community tariff quotas referred to in Annexes I and II to Regulation (EC) No 1416/95 shall be administered in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

#### *Article 3*

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

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<sup>7</sup> OJ L 253, 11.10.1993, p. 1. Regulation last amended by Regulation (EC) No 1662/1999 (OJ L 197, 29.7.1999, p. 25).

<sup>8</sup> OJ L 318, 20.12.1993, p. 18. Regulation last amended by Regulation (EC) No 2491/1998 (OJ L 309, 19.11.1998, p. 28).

It shall apply with effect from 1 January 2000.

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

Done at Brussels,

*For the Council*  
*The President*

**ANNEX I**

**PREFERENTIAL TARIFF QUOTAS OPENED FOR 2000  
SWITZERLAND**

Order number	CN code	Description	Autonomous quotas	Rate of duty applicable
09.0911	1302 20 10	Pectic substances, pectinates and pectates. Dry	550 tonnes	free
09.0912	2101 11 11	Extracts, essences and concentrates with a coffee-based dry matter content of 95 % or more by weight	1 700 tonnes	free
09.0913	2101 20 20	Extracts, essences and concentrates of tea or maté	120 tonnes	free
09.0914	2106 90 92	Food preparations/other, containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1.5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	850 tonnes	free

**ANNEX II**

**PREFERENTIAL TARIFF QUOTAS OPENED FOR 2000**

**NORWAY**

Order Number	CN code	Description	Autonomous quotas	Rate of duty applicable
09.0765	1517 10 90	Margarine, excluding liquid margarine Other	2 470 tonnes	free
09.0766	2102 30 00	Prepared baking powders	150 tonnes	free
09.0767	2103 90 90 (taric code 90/10-90/89)	Sauces and preparations therefor; mixed condiments and mixed seasonings of CN code 2103 90 90, other than mayonnaise	130 tonnes	free
09.0768	2104 10	Soups and broths and preparations therefor	390 tonnes	free
09.0769	2106 90 92	Food preparations/other, containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5% milk fat, 5% sucrose or isoglucose, 5% glucose or starch	510 tonnes	free
09.0770	2203 00	Beer made from malt	4800 hectolitres	free
09.0771	2207 10 00 (taric code 90)	Undenatured ethyl alcohol of an alcohol strength by volume of 80% vol. or higher/other than that obtained from agricultural products listed in Annex I to the Treaty	134 000 hectolitres	free
09.0772	2207 20 00 (taric code 90)	Ethyl alcohol and other spirits, denatured, of any strength/other than those obtained from agricultural products listed in Annex I to the Treaty	3 340 hectolitres	free
09.0773	2208 90 57 (taric code 20)	Aquavit	300 hectolitres	free
09.0774	2403 10	Smoking tobacco, whether or not containing tobacco substitutes in any proportion	370 tonnes	free



<b>FINANCIAL STATEMENT</b>				
		DATE: 3/9/1999		
1.	BUDGET HEADING: Chapter 12 - Article 120	APPROPRIATIONS:		
2.	TITLE:  Proposal for a Council Regulation renewing for 2000 the measures laid down in Regulation (EC) No 1416/95 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products			
3.	LEGAL BASIS: Article 133 of the Treaty and Articles 76, 102 and 128 of the Act of Accession			
4.	AIMS:  Autonomous measures vis à vis Switzerland and Norway in the framework of bilateral negotiations under XXIV. 6 of the GATT			
5.	FINANCIAL IMPLICATIONS	PERIOD OF 12 MONTHS (Mio EUR)	CURRENT FINANCIAL YEAR [n] (Mio EUR)	FOLLOWING FINANCIAL YEAR [n+1] (Mio EUR)
5.0	EXPENDITURES : - CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS) - NATIONAL AUTHORITIES - OTHER			
5.1	REVENUE: - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES)	- 10.5 Mio EUR		
1		[n+2]	[n+3]	[n+4]
5.0.1	ESTIMATED EXPENDITURE			
5.1.1	ESTIMATED REVENUE			
5.2	METHOD OF CALCULATION:  The loss of Customs receipts has been calculated on the basis of the value of the products imported and the Customs duty applicable within the quota, taking account of the reduction on MFN rates.			
6.0	CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER ON THE CURRENT BUDGET?			NO
6.1	CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?			NO
6.2	WILL A SUPPLEMENTARY BUDGET BE NECESSARY?			NO
6.3	WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY			NO
OBSERVATIONS:				