



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 07.02.1997
COM(97) 38 final

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

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 1997.

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.

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.

Furthermore, according to this proposal, these tariff measures should be opened from 1 March 1997 for periods extending to 31 March 1998 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) No /97
of

**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 species of fish or fish fillets 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 authorising 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;

HAS ADOPTED THIS REGULATION:

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 by the Member States in accordance with Article 22 of Regulation (EEC) No 3759/92 of 17 December 1972 on the common organisation of the market in fishery and aquaculture products¹, as last amended by Council Regulation (EC) No 3318/94², 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 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 an entry for release for free circulation, including a request for preferential benefit for a product covered by this Regulation and if this entry for release 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 request, 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 of the drawings made.

¹ OJ No L 388, 31.12.1992, p. 1.

² OJ No L 350, 31.12.94, p. 15.

Article 4

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

Articles 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 the seventh day following that of its publication in the Official Journal of the European Communities.

It shall be apply from 1 March 1997.

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

Done at Brussels

For the Council
The President

ANNEX

Series Number	CN code	TARIC Sub division	Description of goods	Amount of quota (in tons)	Quota duty (%)	Quota period
09.2753	ex 0302 50 10	20	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)	55.000	4	01.04 - 31.12.97
	ex 0302 50 90	11				
		91				
	ex 0302 69 35	10				
	ex 0303 60 11	10				
	ex 0303 60 19	10				
	ex 0303 60 90	10				
	ex 0303 79 41	10				
09.2756	ex 0303 60 11	10	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, frozen, for processing (a)(c)	10000	4	01.04 - 31.12.97
	ex 0303 60 19	10				
	ex 0303 60 90	10				
	ex 0303 79 41					
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 genus <i>Boreogadus saida</i> , for processing (a)(b)	400	0	01.04 - 31.12.97
09.2765	ex 0305 62 00	20 25 29	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)	9.000	4	01.04 - 31.12.97
	ex 0305 69 10	10				
09.2773	ex 0306 13 10	10	Shrimps and prawns of the species <i>Pandalus borealis</i> , in shell, fresh, chilled or frozen, for processing (a)(b)	6.000	0	01.03 97- 31.03.98
	ex 0306 23 10	11				
		91				

09.2779	ex 0304 90 05	10	Surimi, frozen, for processing (a)(b)	4.000	6	01.04 - 31.12.97
09.2780	ex 0304 20 91	10	Blue grenadier fillets (<i>Macrouronus novaezelandiae</i>), and other frozen meat of blue grenadier for processing (a)(b)	3.500	6	01.04.97- 31.03.98
	ex 0304 90 97	60				
09.2785	ex 0307 49 59	10	Tubes of squid (<i>Omnastrephes spp.</i> , excluding <i>Sagittatus</i> , - <i>Nototodarus spp.</i> , <i>Sepioteuthis spp.</i>), and <i>Illex spp.</i> , frozen , for processing (a)(b)	7.000	4	01.04 - 31.12.97
	ex 0307 99 11	10				
09.2786	ex 0307 49 59	20	Squid (<i>Omnastrephes spp.</i> - excluding <i>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	4	01.04 - 31.12.97
	ex 0307 99 11	20				
09.2788	ex 0302 40 05	10	Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), excluding livers and roes, fresh or chilled for industrial manufacture (a)(b)	20.000	0	01.09.97- 14.02.98
	ex 0302 40 98	10				
	ex 0303 50 05	10				
	ex 0303 50 98	10				

(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 filleting, production of flaps or cutting of frozen blocks),
- sampling, sorting,
- labelling,
- packing,
- chilling,
- freezing,
- deep freezing
- thawing, separation.

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

However 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.

FINANCIAL RECORD

1. Budget line concerned : Chap. 12 Art. 120
2. Legal basis : Art. 28 of the Treaty
3. Title of the tariff measure concerned : Proposal for Council Regulation opening and providing for the administration of Community tariff quotas, for certain fishery products
4. Objective : To ensure an adequate supply for Community user industries
5. Method of calculation:

Order number	CN rate of duty (%)	Rate of duty (%)	Estimated price ECU/T	Volume of quota (ECU/T)	Assessed variation on duty loss against the preceding quota period (Écus)
09.2753	-5.000 (v. previous: 60.000)	-94 (p. previous: 1.270)	0 (d. previous: 12)	0.5 (d. previous: 4.5)	-540.600 (previous loss: 5.715.000)
09.2756	10.000	0 (p. initial : 1.193)	0 (d. initial: 12)	0 (d. initial: 4)	954.400
09.2758	0 (v. previous: 400)	-92 (p. previous: 1.588)	0 (d. previous: 10)	0 (d. previous: 0)	-3.680 (previous loss: 63.520)
09.2765	0 (v. previous: 9.000)	-121 (p. previous: 3.048)	0 (d. previous: 13)	0 (d. previous: 4)	-98.010 (previous loss: 2.468.880)
09.2773	0 (v. previous: 6.000)	103 (p. previous: 3099)	0 (d. previous: 12)	0 (d. previous: 0)	74.160 (previous loss: 2.231.280)

09.2779	500 (v. previous: 3.500)	370 (p. previous: 1.829)	0 (d. previous: 15)	0 (d. previous: 0)	359.175 (previous loss: 960.225)
09.2780	0 (v. previous: 3.500)	-759 (p. previous: 2.074)	0 (d. previous: 10,5)	0 (d. previous: 6)	-119.543 (previous loss: 326.655)
09.2785	3.500 (v. previous: 3.500)	-110 (p. previous: 1.475)	0 (d. previous: 8)	0 (d. previous: 4)	175.700 (previous loss: 206.500)
09.2786	0 (v. previous: 500)	-110 (p. previous: 1.475)	0 (d. previous: 8)	0 (d. previous: 4)	-2.200 (previous loss: 29.500)
09.2788	- 20 000 (v. previous: 40.000)	75 (p. previous: 275)	0 (d. previous: 15)	0 (d. previous: 0)	-600.000 (previous loss: 1.650.000)

Sum of assessed variation on duty loss against the preceding quota period (Ecus)
199.402 écus

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

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DOCUMENTS

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