



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 06.03.1997
COM(97) 95 final

97/0065 (ACC)

Proposal for a

COUNCIL REGULATION (EC)

opening and providing for the management of autonomous Community tariff quotas for
certain live fish originating in the Czech Republic and Slovakia

(presented by the Commission)

EXPLANATORY MEMORANDUM

Agreements in the form of an exchange of letters were concluded by the European Community with the Czech Republic on 22 September 1994 and with Slovakia on 28 October 1994 to supplement the Europe Agreements with the two countries. Under these agreements imports of live trout and carp have been exempt from customs duties within tariff quotas of 50 tonnes for trout and 850 tonnes for carp originating in the Czech Republic and 50 tonnes for trout and 50 tonnes for carp originating in Slovakia.

Following enlargement, the Council working party on Central and Eastern Europe agreed to take account of the two countries' preferential exports of the fish in question to the three new Member States up to a limit of 150 tonnes of trout from Slovakia and 310 tonnes of carp from the Czech Republic. It was decided to renew these preferences by adding the quantities to those provided for in the agreements in the form of exchanges of letters referred to above. This will be done through an additional protocol to the European Agreements with the two countries. Pending the entry into force of these protocols, the measures should be applied on an autonomous basis by opening tariff quotas applicable from 1 January this year.

That is the purpose of the attached proposal for a Regulation.

Proposal for a

COUNCIL REGULATION (EC) No 197

of 1997

**opening and providing for the management of autonomous Community tariff
quotas for certain live fish originating in the Czech Republic and Slovakia**

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 the Agreements in the form of an exchange of letters between the European Community and the Czech Republic, signed on 22 September 1994,¹ and between the European Community and Slovakia, signed on 28 October 1994,² have supplemented the European Agreements with these two countries by providing for duty-free tariff quotas for trout and carp;

Whereas, following the accession of Austria, Finland and Sweden, the Council agreed that existing preferential exports to these countries of 150 tonnes of live trout originating in Slovakia and 310 tonnes of live carp originating in the Czech Republic should be taken into account; whereas it also agreed to renew the Agreements in the forms of an exchange of letters by adding the quantities arising from enlargement to those already provided for;

Whereas these tariff measures will be set out in additional protocols to the Europe Agreements with Slovakia and the Czech Republic; whereas these concessions should be implemented autonomously pending the entry into force of these protocols; whereas tariff quotas for the products should be opened from 1 January 1997 and apply until the entry into force of the additional protocols;

Whereas all Community importers should be assured equal and uninterrupted access to the tariff quotas; whereas the rates laid down for these quotas should apply to all imports of the products in question in all the Member States until the quotas are exhausted;

¹ OJ L 272, 22.10.1994, p. 50.

² OJ L 294, 15.11.1994, p. 27.

Whereas a decision on the opening of autonomous tariff quotas has to be taken by the Community; whereas there is no reason why the Member States should not, in the interests of an efficient common management of the quotas, be authorized to draw on the quotas for the necessary quantities corresponding to actual imports; whereas, however, this type of management calls for close liaison between the Member States and the Commission, the latter having to be in a position to monitor the rate at which the quotas are used up and notify the Member States accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Import duties on products listed in the Annex originating in the Czech Republic and in Slovakia are hereby suspended at the levels and within the limits of the annual Community tariff quotas set for each.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer presents a declaration for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and for a product covered by this Regulation and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the appropriate quota volume.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation, to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants on a pro rata basis. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

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

It shall apply from 1 January 1997.

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

Done at Brussels,

For the Council

ANNEX

Order No	CN code	Description	Duty (%)	Annual quota volume	
				<u>Originating in the Czech Republic</u>	<u>Originating in Slovakia</u>
09.5261	0301 91 90	Live trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i>)	0 ¹	50 t	200 t
09.5263	0301 93 00	Live carp	0 ¹	1 160 t	50 t

¹ Subject to conformity with the preference price.

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FINANCIAL STATEMENT

1. Budget heading concerned: Chapter 12, Article 120
2. Legal basis: Article 113 of the Treaty
3. Title of tariff measure: proposal for a Regulation opening and providing for the management of autonomous Community tariff quotas for certain live fish originating in the Czech Republic and in Slovakia.
4. Objective: to renew the agreements with the Czech Republic and Slovakia concerning the preferential imports of certain live fish and to take account of the preferential trade flows between these two countries and the three new Member States.
5. Method of calculation:

Order No	Quota volume (tonnes)		Average price (ECU/t)		Normal duty (%)	Quota duty (%)	Loss of revenue (ECU)
	CZ	SL	CZ	SL			
09.5261 (live trout)	50	200	2 084	1 911	12	0	58 368
09.5263 (live carp)	1 160	50	1 282	1 418	8	0	124 642

Total loss of revenue: ECU 183 010

These products were not subject to tariff quotas in 1995 and 1996.

6. Anti-fraud measures: Provisions on the management of tariff quotas include the measures needed to prevent and combat fraud and irregularities.

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