

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 462 final

Brussels, 9 September 1981

Proposal for a  
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration  
of a Community tariff quota for silver hake (*Merluccius  
bilinearis*) falling within subheading ex 03.01 B I q)  
of the Common Customs Tariff (1982)

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Proposal for a  
COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration  
of a Community tariff quota for frozen cod fillets  
falling within subheading 03.01 B II b) of the  
Common Customs Tariff (1982))

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(submitted to the Council by the Commission)

COM(81) 462 final



## EXPLANATORY MEMORANDUM

1. In the context of the GATT multilateral negotiations, the Community has undertaken to open annually Community tariff quotas at 8% duty for 2 000 tonnes of silver hake (*Merluccius bilinearis*) ex 03.01 B I q) and 10 000 tonnes of frozen cod fillets 03.01 B II b) 1.
  2. The purpose of this proposal is to satisfy the obligations contracted by the Community by opening these tariff quotas for the period 1 January to 31 December 1982 and to provide for Greece's share in their allocation among Member States.
  3. The Commission's proposals for these products are mainly based on those usually put forward in the field of tariff quotas insofar as :
    - the quota volumes are divided into two parts, the first consisting of a fairly large quantity, allocated among the Member States, and the second being a reserve intended to cover any supplementary needs;
    - the allocation of initial shares to the Member States is based on their past imports from third countries over the last 3 years and on the prospects for the quota year concerned.
- Community imports from third countries have, over the last 3 years, evolved as follows :

## - Silver hake

<u>Member State</u>	1978 in tonnes	1979 in tonnes	1980 in tonnes
Benelux	775	250	
Denmark	610	684	112.2
Germany	433	155.5	970
Greece	----- not available -----		
France	5 600 (1)	200	190
Ireland	4.6	42	0
Italy	841	0.4	
United Kingdom	3 119 (1)	52	60

(1) Figure for imports of all types of hake.

## - Frozen cod fillets

<u>Member State</u>	1978		1979		1980	
	in t	in %	in t	in %	in t	in %
Benelux	0	0	11	0.25	48.90	0.52
Denmark	276	26.44	74	1.70	468.60	4.99
Germany	83	7.95	434	9.97	2 175.50	23.18
Greece	0	0	0	0	0	0
France	117	11.21	723	16.61	1 410.30	15.30
Ireland	0	0	0	0	0	0
Italy	393	37.64	953	21.88	1 011.90	10.78
United Kingdom	175	16.76	2 159	49.59	4 271.10	45.50
	1 044		4 354		9 386.30	

It can be seen from the first table concerning silver hake that import figures, which are not separately recorded in the statistics, are incomplete and that therefore it is not possible to make calculations concerning the percentage of total Community imports by individual Member States.

Consequently such data may not be representative of import trends in each Member State. However, by taking account of requirement estimates put forward by the Member States, one can make the following percentages estimates of Member States' initial shares.

	<u>Silver hake</u>	<u>Cod fillets</u>
Benelux	0.77	0.38
Denmark	23.28	0.94
Germany	42.20	18.18
Greece	0.01	0.08
France	14.81	15.18
Ireland	0.38	0.08
Italy	0.69	15.92
United Kingdom	17.86	44.66

4. The proposed Regulations foresee the "greyhound system" as the only method of administration to be applied by the Member States.

Proposal for a

**COUNCIL REGULATION (EEC) No**

of

opening, allocating and providing for the administration of a Community tariff quota for silver hake (*Merluccius bilinearis*) falling within subheading ex 03.01 B I q) of the Common Customs Tariff (1982)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Community has undertaken to open an annual Community tariff quota at 8 % duty for 2 000 tonnes of silver hake (*Merluccius bilinearis*), falling within subheading ex 03.01 B I q) of the Common Customs Tariff; whereas the tariff quota concerned should be opened on 1 January 1982 and allocated between the Member States;

Whereas under Article 64 of the Act of Accession of 1979, Greece is required to apply in full the Common Customs Tariff duty in respect of the product in question as from 1 January 1981; whereas, therefore, as from that date, it is necessary to cover, in favour of the tariff quotas in question, the requirements of that Member State during the quota period;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of levy for the tariff quota should be applied consistently to all imports until the quota is used up; whereas, in the light of the principles outlined above, a Community tariff arrangement based on an allocation between the Member States would seem to preserve the Community nature of the quota; whereas, to represent as closely as possible the actual development of the market in the said goods, the allocation should follow proportionately the requirements of the Member States calculated both from statistics of imports from third countries during a representative reference period and according to the economic outlook for the tariff year in question;

Whereas since the fish concerned are not separately specified in the statistical nomenclatures of the Member States, the available import figures provided by them cannot be regarded as sufficiently exact or representative for use as a basis for the allocation referred to above; whereas the incomplete figures available together with the estimates made by the Member States allow the following percentage estimates to be made as to the import needs of each of them from third countries for the quota period envisaged:

Benelux	0.77
Denmark	23.28
Germany	42.20
Greece	0.01
France	14.81
Ireland	0.38
Italy	0.69
United Kingdom	17.86

Whereas, to take account of the possible import trends for these fish, the quota volume should be divided into two instalments, the first being allocated between the Member States and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share;

whereas, to give importers some degree of certainty, the first instalment of the tariff quota should be fixed at a high level, which in this case could be 65.5 % of the amount of the quota;

Whereas initial shares may be used up at different rates; whereas to avoid disruption of supplies on this account it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas each time its additional share is almost used up a Member State should draw a further share and so on as many times as the reserve allows; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission and the Commission must be in a position to keep account of the extent to which the quotas have been used up and to inform the Member States accordingly;

Whereas, if at a given date in the quota period a considerable quantity of a Member State's initial share remains unused it is essential that such State should return a significant proportion thereof to the reserve, in order to prevent a part of the Community tariff quota from remaining unused in one Member State while it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 January to 31 December 1982 a Community tariff quota of 2 000 tonnes shall be opened within the Community for silver hake (*Merluccius bilinearis*), falling within subheading ex 03.01 B I q) of the Common Customs Tariff.

2. The Common Customs Tariff duty shall be suspended at the level of 8 % within this tariff quota.

*Article 2*

1. The Community tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment of 1 310 tonnes shall be allocated among certain Member States; the shares, which subject to Article 5 shall be valid from 1 January to 31 December 1982, shall be as follows:

	(tonnes)
Benelux	10
Denmark	305
Germany	552
Greece	1
France	194
Ireland	5
Italy	9
United Kingdom	234

3. The second instalment of 690 tonnes shall constitute the reserve.

Article 3

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (2), or of that share minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share, rounded up as necessary to the next whole number.

2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5 % of its initial share, rounded up as necessary to the next whole number.

3. If a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

*Article 4*

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1982.

*Article 5*

Member States shall, not later than 1 October 1982 return to the reserve the unused portion of their initial share which, on 15 September 1982 is in excess of 20 % of the initial volume.

They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 1 October 1982 notify the Commission of the total quantities of the product in question imported up to and including 15 September 1982 and charged against the Community quota and of any portion of their initial shares returned to the reserve.

*Article 6*

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2, and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 5 October 1982 inform the Member States of the amount still in reserve, following any return of shares pursuant to Article 5.

It shall ensure that the drawing which exhausts the reserve does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

*Article 7*

1. The Member States shall take all appropriate measures to ensure that additional shares drawn

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

Done at Brussels,

pursuant to Article 3 are opened in such a way that importations may be charged without interruption against their accumulated shares of the Community quota.

2. The Member States shall ensure that importers of the product in question established in their territory have free access to the shares allocated to them.

3. The Member States shall charge imports of the product in question against their shares as and when the product is entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

*Article 8*

At the request of the Commission, the Member States shall inform it of imports actually charged against their shares.

*Article 9*

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

*Article 10*

This Regulation shall enter into force on 1 January 1982.

*For the Council*

*The President*



Proposal for a  
**COUNCIL REGULATION (EEC) No**  
of

opening, allocating and providing for the administration of a Community tariff  
quota for frozen cod fillets falling within subheading 03.01 B II b) 1 of the  
Common Customs Tariff (1982)

THE COUNCIL OF THE EUROPEAN  
COMMUNITIES,

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

Having regard to the proposal from the Commission,

Whereas the Community has undertaken to open an  
annual Community tariff quota at 8% duty for  
10 000 tonnes of frozen cod fillets, falling within  
subheading 03.01 B II b) 1 of the Common Customs  
Tariff; whereas the tariff quota concerned should be  
opened on 1 January 1982 and allocated between the  
Member States;

Whereas under Article 64 of the Act of Accession of  
1979, Greece is required to apply in full the Common  
Customs Tariff duty in respect of the product in ques-  
tion as from 1 January 1981; whereas, therefore, as  
from that date, it is necessary to cover, in favour of the  
tariff quotas in question, the requirements of that  
Member State during the quota period;

Whereas equal and continuous access to the quota  
should be ensured for all Community importers and  
the rate of levy for the tariff quota should be applied  
consistently to all imports until the quota is used up;  
whereas, in the light of the principles outlined above,  
a Community tariff arrangement based on an alloca-  
tion between the Member States would seem to  
preserve the Community nature of the quota;  
whereas, to represent as closely as possible the actual  
development of the market in the said goods, the alloca-  
tion should follow proportionately the requirements  
of the Member States calculated both from statistics of  
imports from third countries during a representative  
reference period and according to the economic  
outlook for the tariff year in question;

Whereas, during the last three years for which  
complete statistics are available, the corresponding  
imports into each of the Member States represented  
the following percentages of total imports of the  
products in question:

	1978	1979	1980
Benelux	0	0.25	0.52
Denmark	26.44	1.70	4.99
Germany	7.95	9.97	23.18
Greece	0	0	0
France	11.21	16.61	15.30
Ireland	0	0	0
Italy	37.64	21.88	10.78
United Kingdom	16.76	49.59	45.50

Whereas, in view of these factors and of market fore-  
casts for this product for 1982 the initial percentage  
shares in the quota volume can be expressed approxi-  
mately as follows:

Benelux	0.38
Denmark	5.52
Germany	18.18
Greece	0.08
France	15.18
Ireland	0.08
Italy	15.92
United Kingdom	44.66

Whereas, to take account of future import trends for  
the products in question in the various Member States,  
the quota should be divided into two instalments, the  
first being allocated among Member States and the  
second held as a reserve to cover subsequently the  
requirements of Member States which have exhausted  
their initial share; whereas, to give importers in each  
Member State some degree of certainty, the first instal-  
ment of the Community quota should be fixed at a  
relatively high level, in this case 65% of the full  
quota;

Whereas Member States may exhaust their initial  
shares for the products in question at different rates;  
whereas to avoid disruption of supplies on this  
account it should be provided that any Member State  
which has almost used up its initial share should draw  
an additional share from the reserve; whereas this  
must be done by each Member State as and when  
each of its additional shares is almost entirely used up,  
and repeated as many times as the reserve allows;  
whereas the initial and additional shares must be avail-  
able for use until the end of the quota period;

whereas this method of administration calls for close cooperation between Member States and the Commission which latter must, in particular, be able to observe the extent to which the quota amount is used and inform Member States thereof;

Whereas if, at a specified date in the quota period, a considerable balance remains in one or other Member State, it is essential that that Member State pay a large amount of it back into the reserve, in order to avoid a part of the Community quota remaining unused in one Member State when it could be used in others;

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, all transactions concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1982, Community tariff quota of 10 000 tonnes shall be opened within the Community for frozen cod fillets, falling within subheading 03.01 B II b) 1 of the Common Customs Tariff.

2. The Common Customs Tariff duty shall be suspended at the level of 8 % within this tariff quota.

Article 2

1. The Community tariff quota referred to in Article 1 shall be divided into two instalments.

2. A first instalment of 6 500 tonnes shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid from 1 January to 31 December 1982 shall be as follows:

	(tonnes)
Benelux	25
Denmark	359
Germany	1 182
Greece	5
France	987
Ireland	5
Italy	1 035
United Kingdom	2 902

3. The second instalment of 3 500 tonnes shall constitute the reserve.

Article 3

1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (2), or of that share

minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share rounded up should the occasion arise to the nearest unit above.

2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share, equal to 5 % of its initial share rounded up should the occasion arise to the nearest unit above.

3. If a Member State, after exhausting its second share, has used 90 % or more of the third share drawn by it, that Member State shall, under the same conditions, draw a fourth share equal to the third. This process shall continue until the reserve has been exhausted.

4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1982.

Article 5

Member States shall, not later than 1 October 1982 return to the reserve the unused portion of their initial share which, on 15 September 1982 is in excess of 20 % of the initial volume. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 1 October 1982 notify the Commission of the total quantities of the product in question imported up to and including 15 September 1982 and charged against the Community quotas and of any portion of their initial shares returned to the reserve.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 5 October 1982 inform the Member States of the amount still in reserve following any return of shares pursuant to Article 5.

It shall ensure that when an amount exhausting the reserve is drawn the amount so drawn does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

*Article 7*

1. The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that importations may be charged without interruption against their accumulated shares of the Community quota.
2. The Member States shall ensure free access to the shares which have been allocated to them for importers of the said product who are established in their territory.
3. The Member States shall charge imports of the product in question against their shares as and when

the product is entered with the customs authorities for free circulation.

4. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 3.

*Article 8*

At the request of the Commission, the Member States shall inform it of imports actually charged against their shares.

*Article 9*

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

*Article 10*

This Regulation shall enter into force on 1 January 1982.

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

Done at Brussels.

*For the Council*  
*The President*

