

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(82) 730 final

Brussels, 15 November 1982

Draft

Proposal for a

COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for flaps of fish of the species *Sardinops sagax* or *ocellata*, intended for processing, falling within subheading ex 03.04 B I V of the Common Customs Tariff.

(submitted to the Council by the Commission)

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## EXPLANATORY MEMORANDUM

1. Under its Regulations (EEC) No 3745 of 15 December 1981 (1) and Nos 1536/82 and 1537 of 8 June 1982 (2), the Council opening, in respect of 1982 or of the second half of the same year, autonomous tariff quotas for the following products :

ex 03.01 B I v)	Fish of the species "Sardinops sagax or "ocellata", whole or headless, intended for processing (second half of 1982)	2 300 t at 9%
ex 03.01 B I v)	Fillets of fish of the species "Sardinops sagax" or "ocellata", intended for processing (second half of 1982)	5 000 t at 9%
ex 03.02 A I c)	Anchovies, salted or in brine, put up in packages each of a net content of 8 kg or more (1982)	1 350 t at 5%

2. The advisability of repeating such preferential tariff measures in respect of periods commencing on 1 January 1983 was considered at a meeting of the Economic Tariff Problems Group held on 10 September 1982.

The upshot of the discussions that took place is that :

- (a) The total requirements put forward by the Member States in respect of the first half of 1983 only amount to 140 tonnes of whole "sardinops", 2 500 tonnes of "sardinops" fillets and 3 000 tonnes of anchovies;
- (b) imports of whole "sardinops" and fillets of these fish directly compete with certain fish caught in Community waters (herrings, mackerel, Atlantic and Mediterranean sardines) which are already experiencing difficult market conditions (involving heavy withdrawals). Furthermore, the entry into force on 1 January 1983 of the degressive system of financial compensation is liable to aggravate the difficulties in this sector;

(c) as far as anchovies are concerned, the entry into force on 1 January 1983 of the system of the special carry-over premium is likely to improve the present Community supply and thus ensure that Community needs will be met.

3. In view of these considerations, the objections which came to light during the aforementioned discussions and the low import requirements of the developed non-member countries, the Commission thinks that the opening of tariff quotas for the three products concerned is no longer justified.

Nevertheless, in order not to interrupt the traditional trade flows too abruptly, the Commission proposes, by way of compromise, to open only one tariff quota in respect of the first half of 1983, namely for "Sardinops" fish fillets, the volume and applicable duty of which would be laid down as 2 500 tonnes and 9% respectively. Naturally, such a proposal is without prejudice to the decision the Commission might be led to take in future.

4. Since the import requirements of each of the Member States cannot be calculated with sufficient accuracy, the Commission proposes that the whole of the quota be assigned to the constitution of a Community reserve.

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COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for flaps of fish of the species *Sardinops sagax* or *ocellata*, intended for processing, falling within subheading ex 03.01 B I V) of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 28 thereof, having regard to the draft Regulation submitted by the Commission,

Whereas the production of flaps of fish of the species *Sardinops sagax* or *ocellata* is currently insufficient in the Community to meet the requirements of the user industries in the Community; whereas, consequently, Community supplies of products of this type depend to a considerable extent on imports from third countries; whereas it is in the Community's interest to partially suspend the Common Customs Tariff duty for the products in question, within a Community tariff quota of an appropriate volume; whereas, in order not to bring into question the development prospects of this production in the Community while ensuring an adequate supply to satisfy user industries, it is advisable to limit the benefits of tariff quotas solely to products which meet certain criteria as to dimension and use, to open the quota for the period 1 January to 30 June 1983 and to fix the volume of this quota at a level of 2 500 tonnes, a quantity which corresponds to the needs for imports from third countries during that period, and to fix the quota duty at 9 %;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate of duty for the tariff quota should be applied consistently to all imports until the quota is exhausted; whereas, in the light of these principles, arrangements for the utilization of the tariff quota based on an allocation among Member States would seem to be consistent with the Community nature of the quota; whereas, to correspond as closely as possible to the actual trend in the market in the product in question, allocation of the quota should be in proportion to the requirements of the Member States as calculated by reference to statistics of imports from third countries during a representative reference period and to the economic outlook for the quota period in question;

Whereas, however, there is no specific classification of the said goods in the statistical nomenclatures; whereas it has thus been impossible to collect sufficiently precise and representative statistics whereas the extent to which the Community tariff quotas have been used up to the present is not such that the real requirements of each of the Member States can be firmly ascertained; whereas, consequently, it appears appropriate not to allocate it among the Member States, without prejudice to their drawing against the quota volume of such quantities as they may need, under the conditions and according to the procedure

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specified in article 1 (2); whereas this method of management 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 quota is used up and inform the Member States thereof;

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 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 until 30 June 1983 the Common Customs Tariff duty for flaps of fish of the species *Sardinops sagax* or *ocellata*, of a length of 12 cm or more, intended for processing, falling within subheading ex 03.01 B IV (a) (b), shall be suspended at a level of 9 % within the framework of a Community tariff quota of 25 00 tonnes.

Within the limits of the tariff quota, Greece shall apply customs duties calculated in accordance with the relevant provisions in the 1979 Act of Accession.

2. If an importer notifies an imminent importation of the product in question in a Member State and requests the benefit of the quota, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements to the extent to which the available balance of the reserve permits this.

3. The shares drawn pursuant to paragraph 2 shall be valid until the end of the quota period.

- (a) The suspension shall apply to fish intended to undergo any operation unless they are intended to undergo exclusively one or more of the following operations:
- cleaning, gutting, tailing, heading,
  - cutting (excluding filleting or cutting of frozen blocks),
  - sampling, sorting,
  - labelling,
  - packing,
  - chilling,
  - freezing,
  - deep freezing,
  - thawing, separation.

The suspension is not allowed for products intended, in addition, to undergo treatment (or operations) qualifying for suspension where such treatment (or operations) is (are) carried out at retail or catering level.

The suspension of customs duties shall apply only to fish intended for human consumption.

- (b) Checks on their use for this special purpose shall be carried out pursuant to the relevant Community provisions.

*Article 2*

- 1. Member States shall take all appropriate measures to ensure that their drawings pursuant to Article (2) are carried out in such a way that imports may be charged without interruption against their accumulated shares of the Community quota.
- 2. Each Member State shall ensure that importers of the said goods have free access to the quota so long as the residual balance of the quota volume allows this.
- 3. Member States shall charge imports of the said goods against their shares as and when the goods are entered for free circulation.
- 4. The extent to which the quota has been used up shall be determined on the basis of the imports charged in accordance with paragraph 3.

*Article 3*

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

*Article 4*

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

*Article 5*

This Regulation shall enter into force on 1 January 1983.

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

Done at Brussels,

*For the Council*

*The President*

