

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(79) 708 final

Brussels, 6 December 1979

PROPOSAL FOR A COUNCIL REGULATION (EEC)
OPENING, ALLOCATING AND PROVIDING FOR THE ADMINISTRATION OF
A COMMUNITY TARIFF QUOTA FOR SILVER HAKE
(MERLUCCIUS BILINEARIS) OF SUBHEADING EX 03.01 B I q)
OF THE COMMON CUSTOMS TARIFF (1980)

PROPOSAL FOR A COUNCIL REGULATION (EEC)
OPENING, ALLOCATING AND PROVIDING FOR THE ADMINISTRATION OF
A COMMUNITY TARIFF QUOTA FOR FROZEN COD FILLETS
OF SUBHEADING 03.01 B II b) 1 OF THE COMMON CUSTOMS TARIFF (1980)

(submitted to the Council by the Commission)

COM(79) 708 final

EXPLANATORY NOTE

1. In the context of the GATT multilateral negotiations the Community engaged itself to open annually Community tariff quotas at 8 % duty, for

ex 03.01 B I q)	Silver hake (<i>Merluccius bilinearis</i>)	2,000 tonnes
03.01 B II b) 1	Frozen cod fillets	10,000 tonnes

2. This proposal aims to satisfy the obligations contracted by the Community by opening these quotas for the period 1 January to 31 December 1980.

3. The Commissions 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 considering of a fairly large quantity and divided up between 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

Member State	1976	1977	1978
	in tonnes	in tonnes	in tonnes
Benelux	740	750	775
Denmark			610
Germany	441	360	433
France		4,000(1)	5,600(1)
Ireland	0.3	7.9	4.6
Italy			841
United Kingdom	4,096(1)	4,375(1)	3,119(1)

(1) Figure for imports of all types of hake

- Frozen cod fillets

Member State	1976		1977		1978	
	in tonnes	in %	in tonnes	in %	in tonnes	in %
Benelux	325	0,90	793	2,09	1,190	2.31
Denmark	176	0,49	523	1,38	1,050	2.04
Germany	376	1,04	2,530	6.68	1,260	2.45
France	579	1,61	1,181	2,12	1,102	2.14
Ireland	0	0	0	0	0	0
Italy	731	2,03	1,346	3.55	582	1,13
United Kingdom	33,817	93,93	31,512	83.18	46,326	89,93
	36,004		37,885		51,510	

.../...

It can be seen from the table concerning silver hake that the imports which have not separately recorded in the statistics, figures are incomplete and that therefore it is not possible to make the calculations concerning the percentage of total imports by individual Member States. Consequently this data may not be representative of the pattern of imports. However, by taking account of the estimates on needs put forward by the Member States, one can make the following estimate in percentage terms for the initial repartition between the Member States:

	<u>Silver hake</u>	<u>cod fillets</u>
Benelux	21.99	1.22
Denmark	19.06	2.80
Germany	13.20	6.55
France	5.87	2.80
Ireland	0.29	0.01
Italy	24.93	2.43
United Kingdom	14.66	84.19

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)

opening allocating and providing for the administration of
a Community tariff quota for silver hake (*Merluccius
bilinearis*) of subheading ex 03.01 B I q) of the
Common Customs Tariff (1980)

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic
Community, and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

whereas the Community has undertaken to open an
annual tariff quota at 8 % duty for 2,000 tonnes of silver hake
(*Merluccius bilinearis*) of subheading ex 03.01 B I q); whereas the
tariff quota concerned should be opened on 1 January 1980 and allocated
between the Member States;

Whereas arrangements for the utilization of the
Community 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 of
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 as fish are concerned which are not separately specified in the
statistical Keys of the Member States the available import figures
provided by them cannot be regarded as sufficiently exact or representa-
tive 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, allows the following percentage estimates to be made as to the import needs of each of them from non-member countries for the quota period envisaged:

Benelux	21.99
Denmark	19.06
Germany	13.20
France	5.87
Ireland	0.29
Italy	24.93
United Kingdom	14.66;

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 80% 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 1980 a Community tariff quota of 2,000 tonnes shall be opened within the Community for silver hake (*Merluccius bilinearis*) of 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 quota.

Article 2

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

2. A first instalment of 1600 tonnes shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1980, shall be as follows:

	tonnes
Benelux	352
Denmark	305
Germany	211
France	94
Ireland	5
Italy	399
United Kingdom	234

3. The second instalment of 400 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 1980.

Article 5

Member States shall, not later than 1 October 1980 return to the reserve the unused portion of their initial share which, on 15 September 1980 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 1980, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1980 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 1980, 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 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 1980.

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

Done at

For the Council

The President

Proposal for a
COUNCIL REGULATION (EEC)

opening, allocating and providing for the
administration of a Community Tariff quota for
frozen cod fillets of subheading 03.01 B II b) 1
of the Common Customs Tariff (1980)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Articles 43 and 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the Community has undertaken to open an annual
tariff quota at 8 % duty for 10,000 tonnes of frozen cod fillets of sub-
heading 03.01 B II b) 1; whereas the tariff quota concerned should be
opened on 1 January 1980 and allocated between the Member States;

Whereas arrangements for the utilization of the
Community 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 of
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, 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 product in question:

	1976	1977	1978
Benelux	0.90	2.09	2.31
Denmark	0.49	1.38	2.04
Germany	1.04	6.68	2.45
France	1.61	3.12	2.14
Ireland	0	0	0
Italy	2.03	3.55	1.13
	93.93	83.18	89.93;

Whereas, in view of these factors and of market forecasts for 1980, the initial percentage shares in the quota volume can be expressed roughly as follows:

Benelux	1.22
Denmark	2.80
Germany	6.55
France	2.80
Ireland	0.01
Italy	2.43
United Kingdom	84.19;

Whereas, to take account of future import trends for the products concerned, the quota should be divided into two instalments, the first being allocated 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 80% 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 1980 a Community tariff quota of 10,000 tonnes shall be opened within the Community for frozen cod fillets of subheading 03.01 B II b) 1 of the Common Customs Tariff.

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

Article 2

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

2. A first instalment of 8,000 tonnes shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid until 31 December 1980, shall be as follows:

	(tonnes)
Benelux	98
Denmark	224
Germany	524
France	224
Ireland	1
Italy	194
United Kingdom	6,735

3. The second instalment of 2,000 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 1980.

Article 5

Member States shall, not later than 1 October 1980 return to the reserve the unused portion of their initial share which, on 15 September 1980 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 1990 notify the Commission of the total quantities of the product in question imported up to and including 15 September 1990 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 1992, 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 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.

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