

COM(81) 801 final

Brussels, 14 December 1981

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GIFT & EXCHANGE

Proposal for a

COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of a Community tariff quota for herrings falling within subheading 03.01 B I a) 2 of the Common Customs Tariff (1982)

(submitted to the Council by the Commission)

COM(81) 801 final

EXPLANATORY MEMORANDUM

1. In the context of the GATT multilateral negotiations, the Community has undertaken to open annually a duty-free Community tariff quota for 34,000 tonnes of herrings, whole, headless or in pieces imported from 16 June to 14 February in a fresh, chilled or frozen state.

Until now, this undertaking has been met by the inclusion in Regulation (EEC) n. 100/76, dealing with the common organisation of markets in the fishing sector (1), of a provision for the total suspension of customs duty for these products. However, the renewal of this measure of suspension is no longer envisaged in the new regulation relevant to this subject which will come into effect in the first half of 1982.

Consequently, in order to respect its commitments, the Community must open the Community tariff quota in question if the aforesaid regulation comes into effect before 16 June 1982.

2. On the basis of developments in the situation in recent years, there can be no doubt that the Community tariff quota for the period under consideration will have to be larger than the afore-mentioned 34,000 tonnes to cover foreseeable import needs from third countries. Consequently it is advisable to envisage an autonomous supplementary quota fixed at a level which will not upset the balance of the market while at the same time assuring a parallel development of the market for Community production and of supplies for the consumer industries on satisfactory terms.

On the basis of the information available to it, the Commission proposes to fix the volume of the autonomous supplementary quota at tonnes and to fix the global quota amount at tonnes.

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.

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

(1) OJ n° L 20 of 28.1.1976, p. 1.

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of

opening, allocating and providing for the administration of a Community tariff
quota for herrings falling within subheading 03.01 B I a) 2
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 and 28
thereof,

Having regard to the proposal from the Commission,

Whereas the Community has undertaken to open an
annual duty-free Community tariff quota for 34,000 tonnes of herrings,
whole, headless or in pieces, falling within subheading 03.01 B I a) 2
of the Common Customs Tariff imported from 16 June to 14 February in a
fresh, chilled or frozen state;

Whereas, in view of present Community production capacity, the con-
tractual quota volume of 34 000 tonnes is insufficient to meet antici-
pated import requirements; whereas provision should therefore be made
for an autonomous supplementary quota which, in order not to jeopardize
the stability of the market and so as to ensure parallel development of the
market for Community production and of supplies for the consumer indu-
stries on satisfactory terms, should be fixed at a level so that the
total quota does not exceed its anticipated minimum utilization, namely
tonnes; whereas the fixing of a figure of tonnes
for the autonomous supplementary quota does not rule out a readjustment
during the quota period; whereas the tariff quota concerned should be
opened for the period from 16 June 1982 to 14 February 1983 and alloca-
ted 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,
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 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 quota period in question;

periods

Whereas, during the last three / for which complete statistics are available, the imports of each Member State represent the following percentages in relation to

total imports of the products in question :

	1978	1979	1980
Benelux	13.04	5.60	5.83
Denmark	45.80	52.76	55.89
Germany	32.15	30.09	29.27
Greece		negligible	
France	5.39	5.36	3.59
Ireland	0	0	0
Italy	0.03	0.04	0
United Kingdom	3.59	6.15	5.42

Whereas, in view of the above and of the foreseeable trend of the market for these products in the quota period the initial quota may be allocated approximately in the following percentages :

Benelux	8.09
Denmark	51.54
Germany	30.44
Greece	0.09
France	4.75
Ireland	0.01
Italy	0.02
United Kingdom	5.06;

Whereas, to take account of the possible import trends for this / 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;

/product,

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 90 % 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. For the period from 16 June 1982 to 14 February 1983 a Community tariff quota of tonnes shall be opened within the Community for herrings falling within subheading 03.01 B I a) 2 of the Common Customs Tariff.

2. The Common Customs Tariff duty shall be totally suspended 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 tonnes shall be allocated among the Member States; the shares, which subject to Article 5 shall be valid from 16 June 1982 to 14 February shall be as follows:

1983,

(tonnes)

Benelux
Denmark
Germany
Greece
France
Ireland
Italy
United Kingdom

3. The second instalment of 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 14 February 1983.

Article 5

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

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 / December 1982 notify the Commission of the total quantities of the product in question imported up to and including 15 November 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 / December 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 16 June 1982.

For the Council

The President

1. Ligne budgétaire concernée : Chap. 12 art. 120

2. Base juridique : Art. 113 et 28

3. Intitulé de la mesure tarifaire :

Proposition de règlement du Conseil portant ouverture, répartition et mode de gestion d'un contingent tarifaire communautaire contractuel pour des harengs de la sous-position 03.01 B I a 2 du T.D.C.

4. Objectif :

Respecter les engagements contractés par la Communauté au GATT et assurer un approvisionnement satisfaisant des industries communautaires.

5. Mode de calcul :

- N° du T.D.C. : 03.01 B I a 2
- Volume du/des contingent(s) : t
- Droits à appliquer : 0 %
- Droits du T.D.C. : 15 %

6. Perte de recettes :

Valeur d'une tonne : 590 écus

Valeur totale : écus

Perte de recettes (15 %) = écus

Par rapport à la même période précédente (16 juin 1981 au 14 février 1982 = importations à droit nul sans limites quantitatives), diminution des pertes de écus.