



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 06.09.1995
COM(95) 414 final

95/0224 (ACC)

Proposal for a

COUNCIL REGULATION (EC)

opening a tariff quota for preserved mushrooms originating in China

(presented by the Commission)




EXPLANATORY MEMORANDUM

1. Under the GATT Agreement, the new import arrangements which enter into force on 1 July 1995 provide for the levying of a conventional ad valorem duty of 11.6% or 22.2% and a specific duty of ECU 231 or ECU 269/100 kg depending on CN code on certain preserved mushrooms (genus *Agaricus*).

The new arrangements replace the previous autonomous arrangements which provided for the levying of an additional amount on imports (Council Regulation (EEC) No 1796/81).

2. Parallel to the introduction of these new customs tariffs, a tariff quota of 61 260 tonnes (net drained weight) exempt from the specific duty is provided for. Within the quota, only an ad valorem duty (of 12% or 23% according to the product) will be levied.


The quota will be allocated between Poland (32 480 tonnes) and other countries (28 780 tonnes). It corresponds to the quantities exempted from the additional amount under the previous arrangements, of which 22 750 tonnes of the total allocated to "other countries" were reserved for China.

In practice, imports are limited to the tariff quota. In excess of the quota, third country products are no longer competitive compared with Community products because of the relatively high level of the specific duty.

3. The tariff quota volume represents the traditional imports of the Community as constituted on 31 December 1994 and takes no account of the needs of the three new Member States which are net importers of these products, mainly from China.

4. Pending the outcome of the negotiations opened pursuant to Article XXIV:6 of GATT 1994 on the adjustment of Community concessions following the latest enlargement of the Community, it is proposed to open a tariff quota without a specific duty for the second half of 1995 for 4 400 tonnes of products originating in China as an autonomous measure. This quantity is equal to half the annual imports of Austria, Finland and Sweden from China.

5. The quota is limited to China. Imports from the other supplier countries are marginal (for example only 4 400 tonnes from Poland) and their needs can be covered by existing quotas which were never fully used by the Community as constituted on 31 December 1994.



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Proposal for a
COUNCIL REGULATION (EC) No
of 1995

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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 Council Regulation (EEC) No 1796/81 of 30 June 1981 on measures applicable to imports of mushrooms of the species *Agaricus* spp. falling within CN codes 0711 90 40, 2003 10 20 and 2003 10 30¹ provided for the levying of an additional amount on imports in excess of certain quantities laid down; whereas those arrangements applied *inter alia* to imports from China; whereas Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations² has repealed those arrangements with effect from 1 July 1995 in anticipation of the opening by the Commission of tariff quotas for imports of the products concerned;

Whereas the quantities imported from China during the first half of 1995 under the old arrangements and those which may be imported during the second half of 1995 under the new arrangements reflect the traditional imports of the Community as constituted on 31 December 1994; whereas, pending the outcome of the negotiations opened pursuant to Article XXIV:6 of GATT 1994 with WTO members on the adjustment of Community concessions following the latest enlargement of the Community, a tariff quota should be opened for imports during the second half of 1995 as an autonomous measure taking account of the traditional imports of the three new Member States,

¹ OJ No L 183, 4.7.1981, p. 1.

² OJ No L 349, 31.12.1994, p. 105.

HAS ADOPTED THIS REGULATION:

Article 1

1. A Community tariff quota is hereby opened for the importation without payment of the specific duty, during the period 1 July 1995 to 31 December 1995, of a net drained weight of 4 400 tonnes of preserved mushrooms of the species *Agaricus* falling within CN codes 0711 90 40, 2003 10 20 and 2003 10 30 and originating in China.
2. The common customs tariff applicable to the quota referred to in paragraph 1 shall be 12% for products falling within CN code 0711 90 40 and 23% for products falling within CN codes 2003 10 20 and 2003 10 30.

Article 2

The detailed rules for the application of this Regulation shall be laid down by the Commission in accordance with the procedure provided for in Article 22 of Regulation (EEC) No 426/86.

Article 3

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

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

Done at Brussels,

For the Council

The President

FINANCIAL STATEMENT

1. BUDGET HEADING: 1000

APPROPRIATIONS:
ECU 946,2 million

2. TITLE:
Council Regulation opening a tariff quota for preserved mushrooms originating in China.

3. LEGAL BASIS:
Article 113

4. AIMS:
Exemption from the specific duty for preserved mushrooms originating in China.

5. FINANCIAL IMPLICATIONS:	PERIOD OF 12 MONTHS	CURRENT FINANCIAL YEAR (95)	FOLLOWING FINANCIAL YEAR (96)
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5.0. EXPENDITURE - CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTION) - NATIONAL AUTHORITIES - OTHER			
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5.1. REVENUE - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) - NATIONAL	-	2,3	-
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	1997	1998	1999	2000
5.0.1. ESTIMATED EXPENDITURE	-	-	-	-
5.1.1. ESTIMATED REVENUE				

5.2. METHOD OF CALCULATION:
Estimate of maximum customs duty revenue:
 $4\ 400\ t \times ECU\ 2\ 300/t = ECU\ 10.1\ million\ (ad\ valorem)$

Customs duty: 23% = ECU 2,3 million

6.0. CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER OF THE CURRENT BUDGET? YES/NO

6.1. CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET? YES/NO

6.2. WILL A SUPPLEMENTARY BUDGET BE NECESSARY? YES/NO

6.3. WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY? YES/NO

OBSERVATIONS

In the past the high level of the specific duty prevented this product from being imported into the Community. Consequently there was no revenue.

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DOCUMENTS

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