COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 06.09.2000
COM(2000) 503 final

Proposal for

COUNCIL REGULATION

opening and providing for the administration of autonomous Community tariff quotas for certain fishery products

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. As part of the reform of the common organisation of the market in the fishery and aquaculture products sector, the Council and the Commission made a commitment to open the autonomous tariff quotas for a number of fishery products for the period 2001 to 2003, so as to ensure adequate supplies for user industries. This proposal for a regulation constitutes the implementation of that commitment.

2. The tariff quotas to be opened for the products in question are restricted to products for processing which satisfy the conditions laid down concerning the reference prices fixed or to be fixed.

3. In addition, this proposal provides for the opening of these tariff quotas as of 1 January 2001 for periods up to and including 31 December 2003, so as to ensure that user industries can plan the supplies they need without disrupting the revenues of Community producers.

These are the aims of the attached proposal for a Regulation.

Proposal for

COUNCIL REGULATION

opening and providing for the administration of autonomous Community tariff quotas for certain fishery products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Community supplies of certain fishery products currently depend on imports from third countries. It is in the Community's interest to suspend in part or in whole the customs duties for the products in question, within Community tariff quotas of an appropriate volume. In order not to jeopardise the development prospects of this product in the Community and to ensure an adequate supply to satisfy user industries, such quotas should be opened, applying variable customs duties in accordance with the sensitivity of the product in question on the Community market.

(2) Equal and uninterrupted access to the said quotas should be ensured for all Community importers and the rates laid down for the quotas should be applied without interruption to all imports of the products concerned into all Member States until the quotas have been used up.

(3) The decision on the opening of autonomous tariff quotas has to be taken by the Community. However, to ensure the efficiency of a common administration of these quotas, there is no reasonable obstacle to authorising the Member States to draw from the quota amount the necessary quantities corresponding to actual imports. However, this method of administration 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 quotas are used up and inform the Member States accordingly.

(4) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code,[1] has codified the management rules for tariff quotas to be used by following the chronological order of the dates of acceptance of the declarations of release for free circulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import duties on the goods listed in the Annex shall be suspended at the indicated rates for the periods and up to the amounts indicated therein.

2. Imports of the products in question shall not be covered by the quotas referred to in paragraph 1 unless the declared customs value is at least equal to the reference price fixed, or to be fixed, in accordance with Article 29 of Council Regulation (EEC) No 104/2000 of 17 December 1999 on the common organisation of the market in fishery and aquaculture products.[2]

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

Article 3

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

Article 4

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

It shall apply from 1 January 2001.

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

Done at Brussels,

For the Council
The President

---

1 OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1662/99 (OJ L 197, 29.7.1999, p. 25).

2 OJ L 17, 21.1.2000, p. 22.

ANNEX

Order No	CN code	TARIC code	Description	Annual amount of quota (in tons)	Quota duty (%)	Quota period
09.2765	ex 0305 62 00 ex 0305 69 10	20 25 29 10	Cod (*Gadus morhua, Gadus ogac, Gadus macrocephalus*) and fish of the species *Boreogadus saida*, salted or in brine, but not dried or smoked, for processing (a)(b)	10.000	0	01.01.2001. - 31.12.2003
09.2788	ex 0302 40 00 ex 0303 50 00 ex 0304 10 97 ex 0304 90 22	10 10 20 10	Herrings (*Clupea harengus*, *Clupea pallasii*), whole, head included, of a weight exceeding 140 g per piece or flaps of a weight exceeding 80 g per piece), excluding livers and roes, fresh, chilled or frozen, for processing (a)(b)	20.000	0	01.11.2001 - 31.12.2001 01.11.2002 – 31.12.2002 01.11.2003 – 31.12.2003
09.2790	ex 1604 14 16	20 95	Fillets known as “loins” of tunas and skipjack, for processing (a)(b)	4.000	6	01.01.2001 - 31.12.2003
09.2792	ex 1604 12 99	10	Herrings, spiced/vinegar cured, in brine, preserved in barrels of at least 70 kg net drained weight, for processing (a)(b)	5.000	6	01.01.2001 - 31.12.2003
09.2794	ex 1605 20 99	45	Shrimps and prawns of the species *Pandalus borealis*; cooked and peeled, for processing (a)(b)	5.000	6	01.01.2001 - 31.12.2003

(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

(b) This quota is available for products intended to undergo any operation, unless it is solely for one or more of the following operations:

- cleaning, gutting, tailing, heading,
- cutting (excluding filleting or cutting of frozen blocks or splitting of frozen interleaved fillet blocks),
- sampling, sorting,
- labelling,
- packing,
- chilling,
- freezing,
- deep freezing,
- thawing, separation.

The quota is not available for products intended, in addition, to undergo treatment (or operations) which gives quota entitlement, where such treatment (or operations) is (are) carried out at retail or catering level. The reduction of customs duties shall apply only to fish intended for human consumption.

FINANCIAL STATEMENT

1. TITLE OF OPERATION

Proposal for Council Regulation opening and providing for the administration of Community tariff quotas, for certain fishery products.

2. BUDGET HEADING INVOLVED

Chap. 12 Art. 120 (1210 + 1060)

3. LEGAL BASIS

Art. 26 of the Treaty

4. DESCRIPTION OF OPERATION

4.1 General objective

To ensure an adequate supply for Community user industries.

5. FINANCIAL IMPACT

5.1 Method of calculating total cost of operation (relation between individual and total costs)

Order No	Quantities (Tons)	Estimated price (€/tons)	Normal duty rate (%)	Quota duty (%)	Duty loss against the annual quota period (€)
09.2765	10.000	2.927	13	0	3.805.100
09.2788	20.000	350	15	0	1.050.000
09.2790	4.000	3.984	24	6	2.868.480
09.2792	5.000	1.160	20	6	812.000
09.2794	5.000	733	20	6	513.100

Total duty loss against the annual quota period: **9.048.680 €**.

6. FRAUD PREVENTION MEASURES

Provisions on the management of these tariff quotas include the measures necessary for preventing frauds and irregularities and protecting against them.