

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.12.2003
COM(2003) 832 final

Proposal for a

COUNCIL REGULATION

opening and providing for the management of autonomous Community tariff quotas for certain fishery products for the period 2004-2006

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. As part of the reform of the common organisation of the markets in fishery and aquaculture products, autonomous tariff quotas for a number of fishery products were opened for the period 2001 to 2003. In order to ensure continuation of supplies for user industries after 2003, a successor quota regime should be established

2. The tariff quotas to be opened are restricted to certain products for processing which satisfy the conditions pertaining to the reference prices fixed or to be fixed.

3. This proposal provides for the opening of tariff quotas as of 1 January 2004 for periods up to and including 31 December 2006. These quotas will allow user industries to plan the supplies they need without disrupting the revenues of Community producers.

This is the purpose of the proposed regulation, which the Council is asked to adopt.

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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[1],

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 those products, within Community tariff quotas of an appropriate volume. In order not to jeopardise the development prospects of those products 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 those 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) To ensure the efficiency of a common management of the quotas, Member States should be permitted to draw from the quota amount the necessary quantities corresponding to their actual imports. Since that method of management requires close cooperation between the Member States and the Commission, the latter should in particular be able to monitor the rate at which the quotas are used up and should 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[2] provides for a system of tariff quota management which follows the chronological order of the dates of acceptance of the declarations of release for free circulation. The tariff quotas opened by this Regulation should be managed by the Community authorities and the Member States in accordance with that system,

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1 OJ C […] […], p. […]

2 OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1335/2003 (OJ L 187, 26.7.2003, p .16).

HAS ADOPTED THIS REGULATION:

Article 1

1. Import duties on the products listed in the Annex shall be suspended, within tariff quotas, at the rates for the periods, and up to the amounts, indicated therein.

2. Imports of the products listed in the Annex shall be covered by the quotas referred to in paragraph 1 only if the declared customs value is at least equal to the reference price fixed, or to be fixed, in accordance with Article 29 of Regulation (EEC) No 104/2000.[3]

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission in accordance with Articles 308a, 308b and 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 that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2004.

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

Done at Brussels,

For the Council
The President

[3] OJ L 17, 21.1.2000, p. 22.

ANNEX

Order No	CN code	TARIC code	Description	Annual amount of quota (tons)	Quota duty (%)	Quota period
09.2758	ex 0302 70 00	20	Cod livers (*Gadus morhua, Gadus ogac, Gadus macrocephalus*) and fish liver of the species *Boreogadus saida*, fresh or chilled, for processing ([a])([b])	300	0	1.1.2004 – 31.12.2006
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	1.1.2004 – 31.12.2006
09.2785	ex 0307 49 59 ex 0307 99 11	10 10	Tubes of squid (*Ommastrephes spp.* – excluding *Ommastrephes sagittatus* –, *Nototodarus spp.*, *Sepioteuthis spp.*) and *Illex spp.,* frozen, with skin and fins, for processing ([a])([b])	30 000	3.5	1.1.2004 – 31.12.2006
09.2786	ex 0307 49 59 ex 0307 99 11	20 20	Squid (*Ommastrephes spp.* – excluding *Ommastrephes sagittatus* –, *Nototodarus spp.*, *Sepioteuthis spp.*) and *Illex spp.,* frozen whole, tentacles and fins, for processing ([a])([b])	1 500	3	1.1.2004 – 31.12.2006
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*), of a weight exceeding 140 g per piece or flaps of a weight exceeding 80 g per piece, excluding livers and roes, for processing ([a])([b])	20 000	0	1.11.2004 – 31.12.2004 1.11.2005 – 31.12.2005 1.11.2006 – 31.12.2006
09.2790	ex 1604 14 16	20 30 95	Filets known as 'loins' of tunas and skipjack, for processing ([a])([b])	4 000	6	1.1.2004 – 31.12.2006
09.2792	ex 1604 12 99	10	Herrings, spiced and/or vinegar-cured, in brine, preserved in barrels of at least 70 kg net drained weight, for processing ([a])([b])	6 000	6	1.1.2004 – 31.12.2006
09.2794	ex 1605 20 99	45	Shrimps and prawns of the species *Pandalus borealis*, cooked and peeled, for processing ([a])([b])	7 000	6	1.1.2004 – 31.12.2006
09.2759	ex 0302 50 10 ex 0302 50 90 ex 0303 60 11 ex 0303 60 19 ex 0303 60 90	20 10 10 10 10	Cod *(Gadus morhua, Gadus ogac, Gadus macrocephalus),* excluding livers and roes, fresh, chilled or frozen, for processing ([a])([b])	50 000	0	1.1.2004 – 31.12.2006
09.2760	ex 0303 78 11 ex 0303 78 12 ex 0303 78 13 ex 0303 78 19 ex 0303 78 90	10 10 10 11 81 10	Hake *(Merluccius spp.* excluding *Merluccius merluccius*, *Urophycis spp.),* frozen, for processing ([a])([b])	20 000	0	1.1.2004 – 31.12.2006

09.2761	ex 0304 20 91 ex 0304 20 94 ex 0304 90 97	10 41 81 60 86	Blue grenadier *(Macruronus spp.),* frozen fillets and other meat, for processing ([a])([b])	15 000	0	1.1.2004 – 31.12.2006
09.2762	ex 0306 11 10 ex 0306 11 90	10 10	Rock lobster *(Palinurus spp., Panulirus spp., Jasus spp.),* frozen, for processing ([a])([b])	1 500	6	1.1.2004 – 31.12.2006
09.2766	ex 0304 20 94 ex 0304 90 97	70 88	Southern blue whiting (*Micromesistius australis*), frozen fillets and other meat, for processing ([a])([b])	2 000	0	1.1.2004 – 31.12.2006
09.2768	ex 0303 79 55	31	Alaska pollack (*Theragra chalcogramma*), frozen, for processing ([a])([b])	10 000	0	1.1.2004 – 31.12.2006
09.2770	ex 0305 63 00	10	Anchovies (*Engraulis anchoita*), salted or in brine, but not dried or smoked, for processing ([a])([b])	2 000	0	1.1.2004 – 31.12.2006
09.2772	0304 90 05	10	Surimi, frozen, for processing ([a])([b])	30 000	0	1.1.2004 – 31.12.2006

[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 dicing, filleting, production of flaps 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 management of autonomous Community tariff quotas for certain fishery products for the period 2004-2006.

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 (€)
09.2758	300	3.070	10	0	92.100
09.2765	10.000	5.213	13	0	6.776.900
09.2785	30.000	1.591	8	3,5	2.147.850
09.2786	1.500	902	8	3	67.650
09.2788	20.000	536	15	0	1.608.000
09.2790	4.000	3.406	24	6	2.452.320
09.2792	6.000	1.977	20	6	1.660.680
09.2794	7.000	5.236	20	6	5.131.280
09.2759	50.000	2.371	12	0	14.226.000
09.2760	20.000	1.933	15	0	5.799.000
09.2761	15.000	2.631	7,5	0	2.959.875
09.2762	1.500	20.465	12,5	6	1.995.338
09.2766	2.000	2.246	15(7,5)	0	673.800
09.2768	10.000	1.412	15	0	2.118.000
09.2770	2.000	1.751	10	0	350.200
09.2772	30.000	1.938	15	0	8.721.000

Total duty loss against the annual quota period: (**56.779.993 – 14.194.998) 42.584.995 € net**.

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.