



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.06.2000
COM(2000)404 final

Proposal for a

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 annual overall review within the Council concerning the granting of autonomous preferences for fishery products, the Commission has drawn up a report on the markets and supply needs of user industries for 2000.
2. Having regard to the requirements of the internal and external policies of the Community, the Commission is proposing a certain number of tariff measures, notably tariff quotas, to ensure continuation of Community production in accordance with the rules and obligations of the common organisation of the markets, and to ensure supply of the processing industries while also taking into account the current and foreseeable situation on the international market.
3. In these conditions, the tariff quotas for the products specified are for products which meet the conditions laid down as regards the reference prices fixed, or to be fixed, and which are intended for processing.
4. Furthermore, according to this proposal, this tariff measure should be opened from 1 August 2000 for periods extending to 31 December 2000 in order to allow planning of supply to the industry without destabilising the revenue of Community producers.

This is the purpose of the following proposal.

Proposal for a

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; whereas 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; whereas, in order not to jeopardise the development prospects of this production in the Community and to ensure an adequate supply to satisfy user industries, it is advisable to open those quotas, applying customs duties varied accordingly to sensitivity of the different products on the Community market.
- (2) It is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up.
- (3) The decision for the opening of autonomous tariff quotas should be taken by the Community; whereas, 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-volumes the necessary quantities corresponding to actual imports; whereas, however, this method of administration requires close co-operation 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 Code¹, has codified the management rules for tariff quotas designed to be used following the chronological order of dates of customs declarations.

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).

- (5) Examination of the situation as regards supplies of tropical shrimps and prawns to the Community market has shown that, mainly due to the "white spot syndrome" affecting the species, the user industries are no longer receiving sufficient supplies. An autonomous tariff quota for a limited quantity and of limited duration should therefore be opened.
- (6) Having regard to the economic importance of this Regulation for European industry, it is necessary to invoke the ground of urgency referred to in point I(3) of the Additional Protocol to the Treaty of Amsterdam on the role of national parliaments in the European Union.

HAS ADOPTED THIS REGULATION:

Article 1

1. The import duties on the goods listed in the Annex shall be suspended at the indicated duty rate for the periods and in 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 free-at-frontier price, which is determined by the Member States in accordance with Article 22 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products², is at least equal to the reference price fixed, or to be fixed, by the Community for the products under consideration of the categories of the products concerned.

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 co-operate closely to ensure that this Regulation is complied with.

² OJ L 388, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 3318/94 (OJ L 350, 31.12.1994, p. 15).

Article 4

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

It shall apply from 1 August 2000.

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

Done at Brussels,

For the Council
The President

ANNEX

Order No	CN code	TARIC code	Description	Amount of quota (in tons)	Quota duty (%)	Quota period
09.2990	ex 0306 13 50	20	Shrimps and prawns of the genus <i>Penaeus</i> , except the species <i>Penaeus monodon</i> and <i>Penaeus japonicus</i> ; in shell, frozen, for processing (a)(b)	10.000	3,6	01.08 - 31.12.2000

- (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)

Description	Variation on quantities (Tons)	Variation of the estimate price (€/unit)	Variation on normal duty rate (%)	Variation on quota duty (%)	Assessed variation on duty loss against the preceding quota period (€)
Shrimps 09.2990	+ 10.000 (v. previous: 0)	0 (p. previous: 7.053)	0 (d. previous: 12)	0	+ 5.924.520 (previous loss: 0)

Sum of assessed variation on duty loss against the preceding quota period:
+ 5.924.520 €

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.