

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(91)342 final

Brussels, 19 September 1991

Proposal for a

COUNCIL REGULATION (EEC)

opening and providing for the administration of a Community  
tariff quota for prepared or preserved sardines,  
originating in Morocco (1992)

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Article 4 of Protocol No 1 to the Agreement between the EEC and Morocco on relations in the sea fishery sector states that prepared or preserved sardines falling within CN code ex1604 13 10 or ex 1604 20 50 and originating in Morocco shall be imported duty free into the Community within the limits of a Community tariff quota of 17 500 tonnes (net weight).

Within the limits of this tariff quota, Spain and Portugal apply customs duties calculated in accordance with Council Regulation (EEC) No. 3189/88 of 14 October 1988 laying down the arrangements for trade between Spain and Portugal on the one hand and Morocco on the other. This tariff quota should therefore be opened for 1992.

2. In order to ensure a regular flow to the Community market under this quota, the quantities destined for that market may not exceed 60% of the total volume of the quota in the first half of the year. These quantities may not exceed 35% in the first quarter of the year.
3. It is proposed that the whole volume of the products subject to this tariff quota should form a Community reserve to which all Member States will have access according to the procedure laid down in Article 4 of the proposed Regulation.

This is the purpose of the attached proposal.

Annex: Proposal for a Regulation.

COUNCIL REGULATION (EEC) No . '91

of

opening                      and providing for the administration of a Community tariff quota for  
prepared or preserved sardines, originating in Morocco (1992)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Article 4 of Protocol 1 to the Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco <sup>(1)</sup> states that prepared or preserved sardines falling within CN code ex 1604 13 10 or ex 1604 20 50 and originating in Morocco shall be imported duty-free into the Community within the limits of a Community tariff quota of 17 500 tonnes (net weight); whereas, in order to ensure a regular flow to the Community market under this quota, the quantities destined for that market may not exceed 60 % of the total volume of the quota in the first half of the year and may not exceed 35 % in the first quarter of the year;

whereas at the end of each of these periods, the unused quantities of the products in question should automatically be transferred to the quantities provided for, respectively, the second half and third quarter;

Whereas, within the limits of the tariff quota, Spain and Portugal shall apply the customs duties calculated according to the provisions of Council Regulation (EEC) No 3189/88 of 14 October 1988 laying down the arrangements to be applied by Spain and Portugal to trade with Morocco <sup>(2)</sup>; whereas the Community tariff quota in question should therefore be opened for 1992;

Whereas equal and continuous access to the quota should be ensured for all Community importers and the rate laid down for the quota should be applied consistently to all imports of the products in question into all the Member States until the quota is exhausted; whereas the necessary measures should be taken to ensure that these tariff quotas are administered efficiently and on a Community basis, so that Member States have the option of drawing the necessary quantities corresponding to actual imports recorded, from the quota volumes; whereas this method of administration calls for close cooperation between the Member States and the Commission;

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 operation concerning the administration of the quota may be carried out by any one of its members,

<sup>(1)</sup> OJ No L 99, 16. 4. 1988, p. 49.

<sup>(2)</sup> OJ No L 287, 20. 10. 1988, p. 1.

Article 1

From 1 January to 31 December 1992 the customs duty applicable to imports into the Community of the following products, originating in Morocco, shall be suspended at the level indicated and within the limits of a Community tariff quota as shown below:

Order No	CN code ( <sup>1</sup> )	Description	Volume of tariff quotas (tonnes)	Rate of duty (%)
09.1101	ex 1604 13 10 ex 1604 20 50	Prepared or preserved sardines of the type <i>Sardina pilchardus</i>	17 500 (net weight)	0

(<sup>1</sup>) Taric codes: 1604 13 10 \* 10  
1604 20 50 \* 11

Within the limits of this tariff quota, the Kingdom of Spain and the Portuguese Republic shall apply customs duties calculated in accordance with Regulation (EEC) No 3189/88.

article 2

The tariff quota amounts indicated in article 1, which represent the quantities likely to be introduced into the Community market during the first and second quarters of 1992 shall be, respectively, 6.125 and 4.375 tonnes. The said quantities relative to the first and second quarters which remain unused at 31 March and 30 June will automatically be transferred  $\sqrt{1992}$  to the amounts opened for the second quarter and second half, respectively, of the year in question.

Article 3

The tariff quota referred to in Article 1 shall be administered by the Commission, which may take any appropriate measure with a view to ensuring the efficient administration thereof.

Article 4

If an importer presents, in a Member State, a declaration of entry into free circulation including a request for preferential benefit for a product covered by this Regulation, and if this declaration is accepted by the customs authorities, the Member State concerned shall draw, from the tariff quota, by means of notification to the Commission, a quantity corresponding to these needs.

The requests for drawing, with the indication of the date of acceptance of the said declaration, must be communicated to the Commission without delay.

The drawings are granted by the Commission on the basis of the date of acceptance of the declaration of entry into free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

*Article 5*

Each Member State shall ensure that importers of the product concerned have equal and continuous access to the quota for such time as the residual balance of the quota volume so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the tariff quota.

If the quantities requested are greater than the available balance of the tariff quota, allocation shall be made on a pro rata basis with respect to the requests. Member States shall be informed by the Commission of the drawings made.

*Article 6*

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

*Article 7*

This Regulation shall enter into force on 1 January 1992

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

Done at Brussels,

*For the Council*  
*The President*

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**FICHE FINANCIERE**

1. **Ligne budgétaire concernée** : Chap. 12, art. 120
  
2. **Base juridique** : article 113 du traité
  
3. **Intitulé des mesures tarifaires** : Proposition de règlement du Conseil portant ouverture et mode de gestion d'un contingent tarifaire communautaire de préparations et conserves de sardines, originales du Maroc (1992).
  
4. **Objectif** : Exécution d'une obligation contractuelle (Accord pêche CEE/Maroc)

5. **Mode de calcul** :

Codes N.C. : ex 1604 13 10 et ex 1604 20 50  
Volume du contingent : 17 500 t  
Droit à appliquer : 0 %  
Droit du T.D.C. : 25 %

6. **Perte de recettes** :

La perte de recettes à inscrire pour 1992 s'élève à 8.905.578 ECU  
(Prix  $\emptyset$  : 2.002 ECU/t et 2.463 ECU/t).

En 1991 une perte de 8.387.959 ECU a été inscrite  
(Prix  $\emptyset$  : 1.901 ECU/t).

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# DOCUMENTS

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