

**EN**



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.12.2001  
COM(2001) 750 final

2001/0297 (ACC)

Proposal for a

### **COUNCIL REGULATION**

**renewing for 2002 the measures laid down in Regulation (EC) No 1416/95 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products, as regards products originating in Norway**

(presented by the Commission)

## **EXPLANATORY MEMORANDUM**

Pursuant to Articles 76, 102 and 128 of the Act of Accession, Austria, Finland and Sweden had to apply, with effect from 1 January 1995, the provisions of the preferential agreements concluded by the Community with certain third countries it being understood that all the amendments required as a result of enlargement would be the subject of additional protocols to be negotiated with the countries in question.

However, the above Articles stipulate that if the protocols had not been concluded by 1 January 1995 the Community must take the necessary steps to regulate the situation.

It is essential, therefore, to take autonomous transitional measures so as to take account of the trade arrangements for processed agricultural products which existed between the new Member States and the third countries in question.

These autonomous measures were implemented as regards Switzerland and Norway under Council Regulation (EC) No 1416/95<sup>1</sup> and have been renewed each year since 1995.

The autonomous measures specified in Annex I to Regulation 1416/95 concerning Switzerland have been included within the framework of an agreement in the form of an exchange of letters between the Community and Switzerland amending Protocol 2 of the Agreement between the European Economic Community and the Swiss Confederation<sup>2</sup>.

Some progress was made in 2001 with regard to the conclusion of a Protocol with Norway within the framework of the EEA. However, since no final agreement has yet been concluded, the aforementioned Regulation should be renewed for the year 2002 as far as this country is concerned.

However, such measures will only be adopted on the express condition that the third country concerned takes equivalent reciprocal autonomous measures in favour of the European Community.

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<sup>1</sup> OJ L 141, 24.6.1995, p. 1.

<sup>2</sup> OJ L 76, 25.3.2000, p. 11.

Proposal for a

## **COUNCIL REGULATION**

**renewing for 2002 the measures laid down in Regulation (EC) No 1416/95 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products, as regards products originating in Norway**

**(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 1416/95 of 19 June 1995 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products<sup>3</sup> opened tariff quotas for 1995 in favour of Norway in accordance with the conditions set out in Annex II thereto.
- (2) Regulation (EC) No 1416/95 was renewed for 1996, 1997, 1998, 1999, 2000 and 2001 by Regulations (EC) No 102/96<sup>4</sup>, No 306/97<sup>5</sup>, No 560/98<sup>6</sup>, No 2847/98<sup>7</sup>, No 215/2000<sup>8</sup> and No 591/2001 respectively.
- (3) Since it has not been possible to conclude additional Protocols before 1 January 2002, pursuant to Articles 76, 102 and 128 of the Act of Accession of Austria, Finland and Sweden the Community must adopt the measures required to remedy the situation. Therefore, it is necessary to renew the measures provided for in Regulation (EC) No 1416/95 for 2002.
- (4) Since the measures provided for to implement this Regulation are management measures within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission,<sup>9</sup> they should be adopted by the management procedure laid down in Article 4 of that Decision.

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<sup>3</sup> OJ L 141, 24.6.1995, p. 1. Regulation last amended by Regulation (EC) No 591/2001 (OJ L 88, 28.3.2001, p. 1).

<sup>4</sup> OJ L 19, 25.1.1996, p. 1.

<sup>5</sup> OJ L 51, 21.2.1997, p. 8.

<sup>6</sup> OJ L 76, 13.3.1998, p. 1.

<sup>7</sup> OJ L 358, 31.12.1998, p. 14.

<sup>8</sup> OJ L 24, 29.1.2000, p. 9.

<sup>9</sup> OJ L 184, 17.7.1999, p. 23.

- (5) 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<sup>10</sup> consolidated the arrangements for managing the tariff quotas to be used in chronological order of the dates of acceptance of the declarations for release for free circulation,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. The measures provided for in Article 1(2) of Regulation (EC) No 1416/95 shall be renewed to cover 2002.

Annex II to Regulation (EC) No 1416/95 shall be replaced by the Annex to this Regulation.

2. If Norway discontinues the application of the reciprocal measures in favour of the Community, the Commission may, in accordance with the procedure laid down in Article 2 (2) of this Regulation, suspend application of the measures provided for in paragraph 1.

#### *Article 2*

1. The Commission shall be assisted by the Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I referred to in Article 16 of Council Regulation (EC) No 3448/93<sup>11</sup>.
2. Where reference is made to this paragraph, Article 4 of Decision 1999/468/EC shall apply, in accordance with the provisions of Article 7 of that Decision.
3. The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

#### *Article 3*

The Community tariff quotas referred to in Annex II to Regulation (EC) No 1416/95 shall be administered in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

#### *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 with effect from 1 January 2002.

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<sup>10</sup> OJ L 253, 11.10.1993, p. 1. Regulation last amended by Regulation (EC) No 993/2001 (OJ L 141, 28.5.2001, p. 1).

<sup>11</sup> OJ L 318, 20.12.1993, p. 18.

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

Done at Brussels,

*For the Council*  
*The President*

**ANNEX****« ANNEX II****PREFERENTIAL TARIFF QUOTAS OPENED FOR 2002****NORWAY**

Order Number	CN code	Description	Autonomous quotas	Rate of duty applicable
09.0765	1517 10 90	Margarine, excluding liquid margarine Other	2 470 tonnes	free
09.0766	2102 30 00	Prepared baking powders	150 tonnes	free
09.0767	2103 90 90 (Taric codes 10 and 89)	Sauces and preparations therefor; mixed condiments and mixed seasonings of CN code 2103 90 90, other than mayonnaise	130 tonnes	free
09.0768	2104 10	Soups and broths and preparations therefor	390 tonnes	free
09.0769	2106 90 92	Food preparations/other, containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1.5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	510 tonnes	free
09.0770 <sup>12</sup>	2203 00	Beer made from malt	4 800 hectolitres	free
09.0771	2207 10 00 (Taric code 90)	Undenatured ethyl alcohol of an alcohol strength by volume of 80 % vol. or higher/other than that obtained from agricultural products listed in Annex I to the Treaty	134 000 hectolitres	free
09.0772	2207 20 00 (Taric code 90)	Ethyl alcohol and other spirits, denatured, of any strength/other than those obtained from agricultural products listed in Annex I to the Treaty	3 340 hectolitres	free
09.0774	2403 10	Smoking tobacco, whether or not containing tobacco substitutes in any proportion	370 tonnes	free »

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<sup>12</sup>

The application of the quota shall be restricted to the period from 1 January to 30 June 2002.

<b>FINANCIAL STATEMENT</b>		ENTR F.4	
		DATE: 10.10.2002	
1. BUDGET HEADING: Chapter 12 - Article 120		APPROPRIATIONS:	
2. TITLE: Proposal for a Council Regulation renewing for 2002 the measures laid down in Regulation (EC) No 1416/95 establishing certain concessions in the form of Community tariff quotas in 1995 for certain processed agricultural products originating in Norway			
3. LEGAL BASIS: Article 133 of the Treaty and Articles 76, 102 and 128 of the Act of Accession			
4. AIMS: Autonomous measures vis à vis Norway in the framework of bilateral negotiations under 24 VI of the GATT			
5. FINANCIAL IMPLICATIONS	PERIOD OF 12 MONTHS  (EUR m)	CURRENT FINANCIAL YEAR [n] (EUR m)	FOLLOWING FINANCIAL YEAR [n+1] (EUR m)
5.0 EXPENDITURES : - CHARGED TO THE EC BUDGET (REFUNDS/INTERVENTIONS) - NATIONAL AUTHORITIES - OTHER			
5.1 REVENUE: - OWN RESOURCES OF THE EC (LEVIES/CUSTOMS DUTIES) - NATIONAL	- 5.5		
	[n+2]	[n+3]	[n+4]
5.0.1 ESTIMATED EXPENDITURE			
5.1.1 ESTIMATED REVENUE			
5.2 METHOD OF CALCULATION: The loss of customs receipts has been calculated on the basis of the value of the products imported and the customs duty applicable within the quota, taking account of the reduction on MFN rates.			
6.0 CAN THE PROJECT BE FINANCED FROM APPROPRIATIONS ENTERED IN THE RELEVANT CHAPTER ON THE CURRENT BUDGET?			NO
6.1 CAN THE PROJECT BE FINANCED BY TRANSFER BETWEEN CHAPTERS OF THE CURRENT BUDGET?			NO
6.2 WILL A SUPPLEMENTARY BUDGET BE NECESSARY?			NO
6.3 WILL FUTURE BUDGET APPROPRIATIONS BE NECESSARY			NO
OBSERVATIONS:			