

Proposal for a Council Regulation adopting autonomous measures concerning the importation of fish and fishery products originating in the Czech Republic

(2002/C 262 E/05)

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(Submitted by the Commission on 6 March 2002)

EXPLANATORY MEMORANDUM

On 29 May 2000, the Council authorised the Commission to undertake negotiations with the Czech Republic to liberalise reciprocal trade concessions in fish and fishery products.

Negotiations were held on 20 October 2000 and 27 March 2001. The two parties agreed on a model for simple, gradual and reciprocal tariff concessions, whose details have been recorded in the Agreed Minutes signed by each head of delegation. The main commitments made by the Community as a result of the conclusion of negotiations are as follows:

- At the date of entry into force of the agreement, the Community will eliminate the existing tariff quota for live trout falling under CN Code 0301 91 90, as provided for in Regulation No 965/97, and the tariff duties for this product will be eliminated. As regards live carp falling under the CN Code 0301 93 00 the Community will increase the existing tariff quota to 4 000 tonnes, at the date of entry into force of the agreement. The following year, the quota will be increased to 4 500 tonnes and two years after the entry into force of the agreement, the quota will be increased to 5 000 tonnes. Three years after entry into force of the agreement, the quota for live carp will be eliminated.
- As regards all other fish and fishery products, as covered by the definition set out in Regulation (EC) No 104/2000, the Community will apply a one-third reduction of the tariff duties at the date of entry into force of the agreement. The following year a further reduction of one-third will be applied. Three years after the date of entry into force of the agreement, the Community shall eliminate all tariff duties on fish and fishery products.

A Protocol laying down the new trade arrangements for certain fish and fishery products has to be added to the Europe Agreement between the Community and the Czech Republic. Pending the completion of internal procedures required for the entry into force of the additional Protocol, it is proposed that, through a Council Regulation, the Community adopts autonomous measures enabling the concessions made to the Czech Republic to apply as early as 1 January 2002. A swift implementation of the agreement is desirable in order to introduce the gradual liberalisation of trade in fish and fishery products and to give a positive political sign to the Czech Republic in the context of the accession process.

The adoption of the proposed autonomous measures will bring forward the effective starting date for the gradual liberalisation of trade in fish and fishery products between the Community and the Czech Republic. It is therefore necessary to ensure that this circumstance is taken into account at the time when the new Additional Protocol to the Europe Agreement enters into force. For this purpose, the conclusion of an interpretative Exchange of Letters with the Czech Republic will be proposed shortly.

In light of the above, the Council is requested to adopt the attached Regulation implementing, on an autonomous basis, the concessions agreed between the Community and the Czech Republic.

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) The Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part⁽¹⁾, provides for certain concessions for fish and fishery products, which are referred to in Annex XV thereto.
- (2) Annex XV of the Europe Agreement has been replaced by the text contained in Annex I to the Protocol for the adaptation of trade aspects of the Europe Agreement⁽²⁾.
- (3) In accordance with the directives issued by the Council on 29 May 2000, negotiations with the Czech Republic on a new Additional Protocol to the Europe Agreement were concluded on 27 March 2001.
- (4) The new Additional Protocol, based on Articles 21(5) and 24 of the Europe Agreement, provides for concessions on fish and fishery products.
- (5) A swift implementation of the agreement forms an essential part of the results of the negotiations for the conclusion of a new Additional Protocol to the Europe Agreement with the Czech Republic.
- (6) The Czech Republic will take all useful legislative provisions, on an autonomous basis, in order to enable the reciprocal and simultaneous implementation of concessions to the Community provided for in the Additional Protocol.
- (7) It is therefore appropriate for the Community to adopt autonomous measures introducing the concessions provided for in the new Additional Protocol to the Europe Agreement.
- (8) In order to implement the terms of the agreement, Council Regulation (EC) No 965/97 opening and providing for the management of autonomous Community tariff quotas for certain live fish originating in the Czech Republic⁽³⁾ shall be modified.

⁽¹⁾ OJ L 360, 31.12.1994, p. 2.

⁽²⁾ OJ L 341, 16.12.1998, p. 3.

⁽³⁾ OJ L 141, 31.5.1997, p. 1.

- (9) As far as the management of the tariff quota is concerned, it is appropriate to follow the chronological order of dates of acceptance of customs declarations in accordance with 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⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The arrangements for the importation into the Community of fish and fishery products originating in the Czech Republic, as set out in Articles 2, 3 and 4 below, shall modify the Europe Agreement establishing an association between the European Communities and the Czech Republic.

2. From the date of entry into force of the new Additional Protocol to the Europe Agreement with the Czech Republic, the concessions provided therein shall apply taking account of the implementation measures already adopted by both Parties, in a reciprocal manner, in advance of that date. Accordingly, on the date of entry into force of the Additional Protocol, its provisions shall replace and supersede the relevant provisions of this Regulation.

Article 2

On 1 January 2002, the Community shall eliminate the tariff quota for live trout (*Salmo trutta*, *Oncorhynchus mykiss*, *Oncorhynchus clarki*, *Oncorhynchus aguabonita*, *Oncorhynchus gilae*) falling under CN code 0301 91 90 as provided for in Regulation (EC) No 965/97. As from that date, the tariff duty for that product shall be eliminated.

Article 3

On 1 January 2002, the annual volume of the tariff quota with order number 09.5263, as provided for in Regulation (EC) No 965/97 for live carp falling under CN code 0301 93 00, shall be increased to 4 000 tonnes.

On 1 January 2003 the volume of this quota shall be increased to 4 500 tonnes.

On 1 January 2004 the volume of the quota shall be increased to 5 000 tonnes.

For quantities imported into the Community above these tariff quotas, the provisions of Article 4 shall apply.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 993/2001 (OJ L 141, 28.5.2001, p. 1).

Article 4

As from 1 January 2002, the Community shall apply a one-third reduction of the tariff duties on all other fish and fishery products, as defined in Article 1 of Council Regulation (EC) No 104/2000 ⁽¹⁾.

As from 1 January 2003, the Community shall apply a further one-third reduction of the tariff duties as they were at the time this Regulation became applicable.

As from 1 January 2005 the Community shall eliminate the tariff duties on all fish and fishery products.

Article 5

The calculation of the reductions mentioned in Article 4 will be carried out using common mathematical principles.

In particular, the following rules shall apply:

- (a) all the figures which have less than 50 (included) after the decimal point shall be rounded down to the nearest whole number;
- (b) all the figures which have more than 50 after the decimal point shall be rounded up to the nearest whole number;
- (c) all the tariffs below 2 % shall automatically be fixed at 0 %.

Article 6

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

It shall apply from 1 January 2002.

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

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.