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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.11.1999
COM(1999) 610 final

Proposal for a

COUNCIL REGULATION

**temporarily suspending some or all of the autonomous common customs tariff duties on
certain fishery products (2000)**

(presented by the Commission)

EXPLANATORY MEMORANDUM

During the third quarter of this year, the Commission, assisted by the Economic Tariff Questions Group, has reviewed all the requests for temporary suspension of autonomous common customs tariff duties presented to it by the Member States, including requests for extending suspensions at present in force.

The attached proposal concerns a number of fishery products.

For industrial and agricultural products, the proposal for a Regulation temporarily suspending the autonomous common customs tariff duties is also being prepared.

Requests for suspension relating to the above products were examined in the light of the criteria set out in the communication from the Commission concerning autonomous tariff suspensions and quotas (see OJ C 128, 25.4.1998, p. 2).

Following this review, the Commission considers that the suspension of duties is justified for the products listed in the Annex to the attached proposal for a Regulation.

As can be seen from Article 1 of the above-mentioned proposal for a Regulation, the period of validity of the proposed measure is 12 months.

Proposal for a

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temporarily suspending some or all of the autonomous common customs tariff duties on certain fishery products (2000)

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) The Community relies at present on imports from third countries for supplies of certain fishery products; it is in the interest of the Community to suspend partially or totally the customs duties for these products; in order to avoid endangering the prospects for developing the production of competitive products in the Community while ensuring that the industries concerned receive the necessary supplies, it is advisable to adopt these suspension measures only from 1 January to 31 December 2000.
- (2) It is for the Community to decide to suspend these autonomous duties.

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 2000 the autonomous common customs tariff duties on the products listed in the Annex are hereby suspended at the level indicated for each product.
2. Imports of these products shall qualify for the suspension referred to in paragraph 1 only provided that the free-at-frontier price laid down 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 products¹, is not lower than the reference price fixed or to be fixed by the Community for the products or categories of products in question.

¹ OJ L 388, 31.12.1992, p. 1, as last amended by Regulation (EEC) No 1891/93 of 12.7.1993 (OJ L 172, 15.7.1993, p.1).

Article 2

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 with effect from 1 January 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

CN code & TARIC		Description	Rate of autonomous duty (%)
0001	0302 65 20 0303 75 20 ex0304 10 98 60 ex0304 90 97 31	Dogfish of the species <i>Squalus acanthias</i> , fresh, chilled or frozen	6
0002	ex0302 69 99 30 ex0303 79 99 10	Sturgeons, fresh, chilled or frozen, for processing (a) (b)	0
0003	ex0302 69 99 40	Lump fish (<i>Cyclopterus lumpus</i>) with roe, fresh or chilled, for processing (a)	0
0004	ex0302 69 99 50 ex0303 79 99 20	Red snapper (<i>Lutjanus purpureus</i>), fresh, chilled or frozen, for processing (a) (c)	0
0005	ex0302 70 00 11 ex0302 70 00 31 ex0302 70 00 41 ex0302 70 00 91 ex0303 80 90 10 ex0303 80 90 19	Hard fish roes, fresh, chilled or frozen	0
0006	ex0303 10 00 10	Pacific salmon (<i>Oncorhynchus spp.</i>), frozen and headless, for the processing industry for manufacture into pastes or spreads (a)	0
0007	ex0304 20 85 10 ex0304 90 61 10	Fillets and meat of Alaska pollack (<i>Theragra chalcogramma</i>), in the form of industrial blocks, frozen, for processing (a) (b)	3.5
0008	ex0305 20 00 11 ex0305 20 00 18 ex0305 20 00 20	Hard fish roes, salted or in brine	0
0009	ex0306 19 90 10 ex0306 29 90 10	Krill for processing (a)	0
0022	ex1604 11 00 20 ex1604 20 10 20	Pacific salmon (<i>Oncorhynchus spp.</i>), for the processing industry for manufacture into pastes or spreads (a)	0
0023	ex1604 30 90 10	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine, for processing (a)	0
0024	ex1605 10 00 11 ex1605 10 00 19	Crabs of the species “King” (<i>Paralithodes camchaticus</i>), “Hanasaki” (<i>Paralithodes brevipes</i>), “Kegani” (<i>Erimacrus isenbecki</i>), “Queen” and “Snow” (<i>Chionoecetes spp.</i>), “Red” (<i>Geryon quinque-dens</i>), “Rough stone” (<i>Neolithodes asperrimus</i>), <i>Lithodes antarctica</i> , “Mud” (<i>Scylla serrata</i>), “Blue” (<i>Portunus spp.</i>), simply boiled in water and shelled, whether or not frozen, in immediate packings of a net content of 2 kg or more	0
0025	ex1605 10 00 92 ex1605 10 00 94	Crabs of the species <i>Paralomis granulosa</i>	0

(a)	Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.
(b)	The suspension shall apply to fish intended to undergo any operation unless they are intended to undergo exclusively one or more of the following operations: – cleaning, gutting, tailing, heading, – cutting (excluding filleting or cutting of frozen blocks), – sampling, sorting, – labelling, – packing, – chilling, – freezing, – deep freezing, – thawing, separation. The suspension is not allowed for products intended, in addition, to undergo treatment (or operations) qualifying for suspension where such treatment (or operations) is (are) carried out at retail or catering level. The suspension of customs duties shall apply only to fish intended for human consumption.
(c)	However, the suspension is not allowed where processing is carried out by retail or catering undertakings.

FINANCIAL STATEMENT

1. TITLE OF OPERATION

Proposal for a Council Regulation temporarily suspending some or all of the autonomous common customs tariff duties on certain fishery products (2000).

2. BUDGET HEADING(S) INVOLVED

Chapter 12 Article 120.

3. LEGAL BASIS

Article 26 of the EC Treaty.

4. DESCRIPTION OF OPERATION

Suspension of the common customs tariff duties for the above products.

7. FINANCIAL IMPACT

In comparison with the previous year (for which the cost of the entire operation was estimated at 42 426 000 EUR), it is proposed to reduce autonomous duties on “fillets and meat of Alaska pollack (*Theragra chalcogramma*), in the form of industrial blocks, frozen, for processing (a) (b)” (Taric codes ex 0304 20 85 10 and ex 0304 90 61 10) from 4 % to 3,5 % for the period 1.1 to 31.12.2000.

The current estimate, which takes into account the most recent known EUROSTAT statistics (1998), induce an increase of uncollected customs duties of 1 074 000 EUR.

The uncollected customs duties generated by the proposed action may therefore be estimated at $42\,426\,000 + 1\,074\,000 = 43\,500\,000$ EUR for the period 1.1 to 31.12.2000.

8. FRAUD PREVENTION MEASURES

Checks on the end-use of some of the products covered by this Council Regulation will be carried out in accordance with Articles 291 to 304 of Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of the Community Customs Code.