



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.7.2001
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2001/0152 (ACC)

Proposal for a

COUNCIL DECISION

relating to the conclusion of an Agreement between the European Community and the Republic of Poland concerning fishery products, in the form of an additional Protocol completing the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland of the other part

(presented by the Commission)

EXPLANATORY MEMORANDUM

On 29 May 2000, the Council approved the negotiating mandate for the Commission to undertake negotiations with the Republic of Poland to conclude reciprocal tariff concessions in the fisheries sector. As a result, negotiations were held on 18-19 July, 16 November, 7 December 2000 and 8 February 2001 to finalise these bilateral concessions. The details of the bilateral concessions are contained in Agreed Minutes that were signed on behalf of the Commission and the Polish authorities on 8 February 2001. The two parties agreed on a model for gradual and reciprocal liberalisation of trade on all fish and fishery products.

The Community and Poland have agreed that, one month after the entry into force of this agreement, both parties will apply a one-third reduction of the tariff duties applied for fish and fishery products. One year after entry into force of the agreement, a further one-third reduction will be applied. Two years after entry into force of the agreement, or earlier if commonly agreed, full free trade of all fish and fishery products will be applied.

For the products specified in the annex to the draft protocol attached to this decision, both parties should apply, one month after the entry into force of the agreement, a 30% reduction of tariff duties as applied by the Community and Poland respectively. One year after the entry into force of the agreement, both parties should apply a second 30% reduction of the tariff duties as they were at the time of the entry into force of the agreement. Two years after entry into force of the agreement, or earlier if commonly agreed, full free trade of all fish and fishery products will be applied.

The tariff quotas already granted by the Community to Poland on an autonomous basis will remain valid until accession, or earlier if commonly agreed. Imports into the Community above the quota quantities will be subject to the agreed tariff reduction as outlined above.

The Commission services are of the opinion that the results of the technical negotiations represent a balanced and acceptable result which, in a simple administrative manner, and on a gradual basis, will lead to full free trade, without any exceptions, between the Republic of Poland and the European Community.

The present proposal is one of a series of seven on which the Commission is being asked to take a decision. They are being presented individually as they are not identical in content although all adhere to the same principles of gradual liberalisation of trade in fish and fishery products. In addition, they do not all follow the same timetable as the date of entry into force of each protocol, to be fixed by mutual agreement, will depend on the internal administrative procedures of each party.

In light of the above, the Council is requested to adopt the present decision to add a Protocol concerning trade concessions in the fisheries sector to the Europe Agreement with the Republic of Poland.

Proposal for a

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relating to the conclusion of an Agreement between the European Community and the Republic of Poland concerning fishery products, in the form of an additional Protocol completing the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland of the other part

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with Article 300(2), first sub-paragraph, first sentence, thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) It is desirable to complete by means of an additional Protocol the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part¹, so as to provide for preferential conditions for the importation into the Community of certain fish and fishery products originating in the Republic of Poland, and into the Republic of Poland of certain fish and fishery products originating in the Community;
- (2) To that end a new Protocol laying down the trade arrangements for certain fish and fishery products should be added to the said Europe Agreement;
- (3) The Agreement in the form of a Protocol should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the Republic of Poland in the form of an additional Protocol concerning fishery products, completing the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, is hereby approved on behalf of the Community.

The text of the Agreement in the form of a Protocol is attached to this Decision.

¹ OJ L 348 of 31.12.1993, p.2.

Article 2

The President of the Council is authorised to designate the person empowered to sign the Agreement in order to bind the Community.

Done at Brussels,

*For the Council
The President*

ANNEX

AGREEMENT

BETWEEN THE EUROPEAN COMMUNITY
AND THE REPUBLIC OF POLAND
CONCERNING FISHERY PRODUCTS
IN THE FORM OF AN ADDITIONAL PROTOCOL
COMPLETING THE EUROPE AGREEMENT
ESTABLISHING AN ASSOCIATION BETWEEN
THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES
OF THE ONE PART, AND THE REPUBLIC OF POLAND
OF THE OTHER PART

PROTOCOL ...

LAYING DOWN THE TRADE ARRANGEMENTS FOR

CERTAIN FISH AND FISHERY PRODUCTS BETWEEN

THE EUROPEAN COMMUNITY AND THE REPUBLIC OF POLAND

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community' of the one part, and

THE GOVERNMENT OF THE REPUBLIC OF POLAND, of the other part,

WHEREAS the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part, hereinafter referred to as 'the Europe Agreement', was signed in Brussels in December 1991 and entered into force in February 1994;

WHEREAS technical negotiations based on Articles 23 and 20(5) of the Europe Agreement were carried out and successfully concluded between the Community and the Republic of Poland to agree on reciprocal tariff concessions in the fisheries sector;

WHEREAS the negotiated concessions in the fisheries sector shall affect the bilateral concessions granted under the Agreement, which should, therefore, be amended by means of a Protocol adjusting the trade aspects of the Agreement;

WHEREAS the Community and the Republic of Poland also agreed on an administratively simple manner of implementing the negotiated tariff concessions as soon as possible on a gradual basis;

HAVE DECIDED to apply the agreed tariff concessions in view of establishing full free trade of all fish and fishery products:

ARTICLE 1

One month after the entry into force of this Protocol, both the Community and Poland will apply a one-third reduction of the tariff duties applied for fish and fishery products as defined in Article 1 of Council Regulation (EC) No 104/2000. One year after entry into force of the Protocol, a further one-third reduction of the tariff duties as they were at the time of entry into force of this Protocol will be applied. Two years after the entry into force of this Protocol, or earlier if commonly agreed, full free trade of all fish and fishery products will be applied. . Any such agreement on earlier application of full free trade of all fish and fishery products will be implemented in accordance with Article 6 of this Protocol.

ARTICLE 2

For the products specified in annexes I(a) and I(b) to this Protocol, both parties shall apply, one month after the entry into force of the Protocol, a 30% reduction of tariff duties as applied by the Community and Poland respectively. One year after the entry into force of the Protocol, both parties shall apply a second 30% reduction of the tariff duties as they were at the time of the entry into force of the Protocol. Two years after the entry into force of this Protocol, or earlier if commonly agreed, full free trade in those products will be established. . Any such agreement on earlier application of full free trade of all fish and fishery products will be implemented in accordance with Article 6 of this Protocol.

ARTICLE 3

The tariff quotas already granted by the Community to Poland on an autonomous basis will remain valid until accession, or will be eliminated earlier if commonly agreed. . Any such agreement will be implemented in accordance with Article 6 of this Protocol.

Imports into the Community above the quota quantities will be subject to the agreed tariff reduction as outlined above.

ARTICLE 4

The calculation of the reductions mentioned in Articles 1, 2 and 3 will be carried out by using common mathematics principles taking into account that:

- (a) all the figures which have less than 50 (included) after the decimal point should be rounded down to the nearest whole number;
- (b) all the figures which have more than 50 after the decimal point should be rounded up to the nearest whole number;
- (c) all the tariffs below 2% should automatically be fixed at 0%. The parties will exchange information on those cases where the above principles apply.

ARTICLE 5

This Protocol will enter into force on the first day of the month following the date on which the Parties have notified each other of the accomplishment of their internal procedures.

ARTICLE 6

This Protocol may be amended by decision of the Association Council.

ANNEX I(a)

	Polish Combined Nomenclature	Description
0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304:	
	0302 40 00	- Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), excluding livers and roes:
	0302 40 00 1	-- From 1 January to 14 February
		-- From 15 February to 15 June:
	0302 40 00 3	--- Baltic Herring from 1 March to 15 June
	0302 40 00 5	--- Other
		-- From 16 June to 31 December:
	0302 40 00 7	--- Baltic Herring from 16 June to 30 September
	0302 40 00 9	--- Other
0303	Fish, frozen, excluding fish fillets and other fish meat of heading No 0304:	
	0303 50 00	- Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), excluding livers and roes:
	0303 50 00 1	-- From 1 January to 14 February
		-- From 15 February to 15 June:
	0303 50 00 3	--- Baltic Herring from 1 March to 15 June
	0303 50 00 5	--- Other
		-- From 16 June to 31 December:
	0303 50 00 7	--- Baltic Herring from 16 June to 30 September
	0303 50 00 9	--- Other
0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:	
	0304 10 97 0	---- Flaps of herring
		- Frozen Fillets:
	0304 20 75 0	-- of herring (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)
		- Other
	0304 90 22	--- of herring (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)
	0304 90 22 1	---- From 1 January to 14 February
	0304 90 22 3	---- From 15 February to 15 June
	0304 90 22 9	---- From 16 June to 31 December
0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption:	
	0305 42 00 0	-- Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)
	0305 59 30 0	--- Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)
	0305 61 00 0	-- Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)
1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:	
	1604 12	-- Herrings:
	1604 12 10 0	--- Fillets, raw, merely, coated with batter or breadcrumbs, whether or not prefried in oil, deep frozen
		--- Other
	1604 12 91 0	---- In airtight containers
	1604 12 99 0	---- Other

ANNEX I(b)

	EU Combined Nomenclature	Description
0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304:	
	0302 40 00	- Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), excluding livers and roes
0303	Fish, frozen, excluding fish fillets and other fish meat of heading No 0304:	
	0303 50 00	- Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), excluding livers and roes
0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:	
	0304 10 97	---- Flaps of herring
		- Frozen fillets:
	0304 20 75	-- of herring (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)
		- Other
	0304 90 22	---- of herring (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)
0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption:	
	0305 42 00	-- Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)
	0305 59 30	--- Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)
	0305 61 00	-- Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)
1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:	
	1604 12	-- Herrings

FINANCIAL STATEMENT

1. TITLE OF OPERATION

Proposal to add a Protocol to the Europe Agreement with Poland implementing an agreement on concessions on fish and fishery products. These concessions have been agreed and will be implemented over a period of three years, leading to full trade liberalisation of the products concerned.

2. BUDGET HEADING(S) INVOLVED

Chapter 12, Article 120

3. LEGAL BASIS

Article 133 in conjunction with Article 300(2) of the Treaty establishing the European Community

4. DESCRIPTION OF OPERATION

4.1 General objective

Full trade liberalisation of trade in fish and fishery products in preparation for accession of the Republic of Poland to the European Union

5. CLASSIFICATION OF EXPENDITURE OR REVENUE

5.3 Type of revenue involved

Import duties

6. TYPE OF EXPENDITURE OR REVENUE

- Will the proposed operation cause any change in the level of revenue? If so, what sort of change and what type of revenue is involved?
- The proposed operation will cause a reduction in import duties levied on fish and fishery products originating in the Republic of Poland

7. FINANCIAL IMPACT

7.1 Method of calculating total cost of operation (relation between individual and total costs)

The cost of the operation has been based on trade in 1998, 1999 and 2000. Due to the unpredictable levels of trade and the varying rates of duty applied to the products concerned, an average estimated duty level of 12% has been used to calculate the duty levied in 1998, 1999 and 2000. Import duties levied in 1999 showed a decrease of almost 19% over 1998; duties in 2000 showed an increase of about 1.5% over 1999. An increase in duty level of 8% has thus been used to calculate the estimated import duties foreseen. This has then been reduced by one third for year one and a further one third for year two.

As the entry into force of the arrangements is expected to take place in the course of the year 2001, the estimated cost will be made as though 2001 is year one, 2002 is year two, 2003 is year three.

7.2 Itemised breakdown of cost

Commitment appropriations EUR million (at current prices)

Breakdown	2001	2001+1	2001+2				
Estimated import duties = (yr 2000 x 8%)-33.3% = (21.15 x 8%)-33.3%	15.24						
Estimated import duties = (yr 2001 x 8%)-33.3% = (15.24 x 8%)-33.3%		10.98					
Estimated import duties = 2001+2			0				
Total	15.24	10.98	0				