



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL REGULATION

**suspending the autonomous Common Customs Tariff duties on certain fishery products
originating in Ceuta and Melilla**

(presented by the Commission)

EXPLANATORY MEMORANDUM

Since 1995 the Council opened zero-duty Community tariff quotas for certain fishery products originating in Ceuta which expired on 31 December 2002. These quotas replaced the quotas for Ceuta and Melilla which were opened in accordance with Article 3 (3) of the Act of Accession, concerning the Canary Islands and Ceuta and Melilla, and which expired on 31 December 1992 without being renewed.

Although, the fish quotas which had been opened by Council Regulation (EC) No 656/2000 for live fry and juveniles of sea bass and bream and for fresh or chilled sea bass and sea bream for the quota years 2000 to 2002 have not been used by any importer, the Kingdom of Spain has asked to extend the validity of these quotas and backed the request with social and economic arguments on Ceuta, showing the constraints under which its economy is operating and the difficulties faced by the local fishing industry.

Furthermore, given the fact that the European Communities and the Kingdom of Morocco, which surrounds the territories of Ceuta and Melilla from the landside, have agreed to suspend Common Customs Tariff duties for a wide range of fishery products originating in Morocco for unlimited period of time, it is considered appropriate to grant the same conditions to the same products when they originate in Ceuta or Melilla in order to avoid further discrimination and to improve the competitive situation for the fishery industry located in these territories.

Proposal for a

COUNCIL REGULATION

suspending the autonomous Common Customs Tariff duties on certain fishery products originating in Ceuta and Melilla

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 Commission¹,

Whereas:

- (1) By Regulation (EC) No 656/2000², the Council opened zero-duty Community tariff quotas for certain fishery products originating in Ceuta which expired on 31 December 2002.
- (2) In October 2002 Spain asked to extend the validity of the quotas referred to in Regulation (EC) No 656/2000 and backed its request with social and economic arguments on Ceuta, showing the constraints under which its economy is operating and the difficulties faced by the local fishing industry. The request is justified as the economic situation in Ceuta requires the adoption of preferential measures to facilitate its exports to the Community.
- (3) With the Council and Commission Decision of 24 January 2000 on the conclusion of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part³ the Community fully suspended the import duties of Common Customs Tariff (CCT) for a wide range of fishery products originating in Morocco. The imports of these products into the Community are not subject to any quantity limitations and their range is far wider than the range of products which are covered by the tariff quotas opened for the Ceuta. Considering that Morocco surrounds the territories of Ceuta and Melilla from the landside, it is appropriate to stop further discrimination and to grant Ceuta and Melilla preferential treatment for the same range of fishery products in order to provide for similar business opportunities and to promote the economic development in those territories.

¹ OJ C [...], [...], p. [...].

² OJ L 80 of 31.3.2000, p. 5

³ OJ L 70 of 18.3.2000, p. 1

- (4) Since the association agreement with Morocco does not foresee any time limits for the application of the preferential treatment for the fishery products no time limit should be introduced for this Regulation.
- (5) Eligibility for the tariff suspensions introduced by this Regulation is subject to the origin rules set out in Council Regulation (EC) No 82/2001 of 5 December 2000 concerning the definition of the concept of 'originating products' and methods of administrative co-operation in trade between the customs territory of the Community and Ceuta and Melilla⁴.

HAS ADOPTED THIS REGULATION:

Article 1

The autonomous Common Customs Tariff duties for the products listed in the Annex hereto originating in Ceuta and Melilla shall be totally suspended.

Article 2

Proof of the products' originating status shall be adduced in accordance with the provisions of Regulation EC) No 82/2001.

Article 3

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

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

Done at Brussels,

For the Council
The President

⁴ OJ L 20 of 20.1.2001, p. 1

ANNEX

The products originating in Ceuta and Melilla, for which autonomous Common Customs Tariff duties are totally suspended.

CN code	Description
Chapter 3	Fish and crustaceans, molluscs and other aquatic invertebrates
	Prepared or preserved fish, whole or in pieces, but not minced
1604 11 00	Salmon
1604 12	Herrings
1604 13 90	Sardinellas and brisling or sprats
1604 14	Tunas, skipjack and bonito (<i>Sarda spp.</i>)
1604 15	Mackerel
1604 16 00	Anchovies
1604 19 10	Salmonidae, other than salmon
1604 19 31 to 1604 19 39	Fish of the genus <i>Euthynnus</i> , other than skipjack (<i>Euthynnus (Katsuwonus) pelamis</i>)
1604 19 50	Fish of the species <i>Orcynopsis unicolor</i>
1604 19 91 to 1604 19 98	Other fish
	Other prepared or preserved fish:
1604 20 05	Preparations of surimi
1604 20 10	Of salmon
1604 20 30	Of salmonidae, other than salmon
1604 20 40	Of anchovies
ex 1604 20 50	Of bonito, of mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> ; of fish of the species <i>Orcynopsis unicolor</i>
1604 20 70	Of tunas, skipjack or other fish of the genus <i>Euthynnus</i>
1604 20 90	Of other fish
	Caviar and caviar substitutes prepared from fish eggs

1604 30	Caviar and caviar substitutes
	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved
1605 10 00	Crab
1605 20	Shrimps and prawns
1605 30	Lobster
1605 40 00	Other crustaceans
1605 90 11	Mussels (<i>Mytilus</i> spp., <i>Perna</i> spp.), in airtight containers
1605 90 19	Other mussels
1605 90 30	Other molluscs

LEGISLATIVE FINANCIAL STATEMENT

1. TITLE OF OPERATION

Proposal for a Council Regulation suspending the autonomous Common Customs Tariff duties on certain fishery products originating in Ceuta and Melilla

2. BUDGET HEADING(S) INVOLVED

Chapter 12 Article 120.

3. LEGAL BASIS

Article 133 of the EC Treaty.

4. DESCRIPTION OF OPERATION

Suspension of the common customs tariff duties for fishery products originating in Ceuta and Melilla.

7. FINANCIAL IMPACT

As no fishery products covered by this proposal have been imported from Ceuta and Melilla since 1999 it is impossible to estimate the financial impact of this proposal.

8. FRAUD PREVENTION MEASURES

Checks on the origin of some of the products covered by this proposal will be carried out in accordance with Commission Regulation (EEC) No 2454/93 laying down provisions for the implementation of the Community Customs Code.