



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25.7.2005
COM(2005) 345 final

2005/0142 (ACC)

Proposal for a

COUNCIL REGULATION

temporarily reducing the autonomous common customs tariff duties for certain tropical fishery products

(presented by the Commission)

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal/General context**

It is in the interest of the EU to allow importation of certain tropical fishery products in 2005 at a temporarily reduced customs tariff in order to avoid disruptions of trade.

- **Existing provisions in the area of the proposal**

Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff¹ as last amended by Regulation (EC) No 1810/2004.²

- **Consistency with other policies and objectives of the Union**

In line with agricultural, fisheries, trade, development and external relations policies.

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

The Management Committee for Fishery products and the Committee 133 representing the interests of Member States were consulted.

Summary of responses and how they have been taken into account

The proposed measures are supported by a large majority of Member States.

- **Collection and use of expertise**

Scientific/expertise domains concerned

Experts representing the MS on the Management Committee for Fishery Products

Methodology used

Open consultation

Main organisations/experts consulted

Experts designated by each of the Member States.

¹ OJ L 256, 7.9.1987, p. 1.

² OJ L 327, 30.10.2004, p. 1.

Summary of advice received and used

The existence of potentially serious risks with irreversible consequences has not been mentioned.

Means used to make the expert advice publicly available

Publication of the Proposal

- **Impact assessment**

Not applicable

Proposal not included in the Commission's Working and Legislative Programme 2005.

3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

Proposal for a Council Regulation temporarily reducing the common customs tariff duties on certain tropical fishery products

- **Legal basis**

Article 133

- **Subsidiarity principle**

The proposal falls under the exclusive competence of the Community. The subsidiarity principle therefore does not apply.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reason(s).

It is necessary to adopt interim measures to avoid disruptions of trade in certain tropical fishery products between supplier countries and the Community.

This set of measures is in line with the principles set out to simplify the procedures for operators engaged in foreign trade and in accordance with the Commission communication concerning autonomous tariff suspensions and quotas (98/C 128/02)

- **Choice of instruments**

Proposed instruments: Council regulation.

Other means would not be adequate for the following reason(s).

Autonomous tariff suspensions and reductions as well as quotas are approved by the Council acting on a qualified majority on the basis of a Commission proposal. A regulation is required to ensure direct applicability and uniformity throughout the Community.

4) BUDGETARY IMPLICATION

Uncollected customs duties

5) ADDITIONAL INFORMATION

- **Review/revision/sunset clause**

The proposal includes a sunset clause.

- **European Economic Area**

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

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(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 Commission³,

Whereas:

- (1) The Common Customs Tariff is laid down in Council Regulation (EEC) No 2658/87.⁴
- (2) The Community is a major consumer of certain tropical fishery products. It has to import important quantities of such products in order to satisfy its needs. In order to avoid disruptions of trade, it is in the interest of the Community to reduce temporarily the Common Customs tariff for the importation of these products.

HAS ADOPTED THIS REGULATION:

Article 1

The autonomous Common Customs Tariff duties as contained in Regulation (EEC) No 2658/87 are reduced, in respect of the products listed in the Annex to this Regulation to the rate laid down therein.

³ OJ C , , p. .

⁴ OJ L 256, 7.9.1987, p. 1 as last amended by Regulation (EC) No 1810/2004, OJ L 327, 30.10.2004, p. 1.

Article 2

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

It shall apply from 1 August 2005 to 31 December 2005.

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

Done at Brussels,

For the Council
The President

ANNEX

The products for which autonomous Common Customs Tariff duties are reduced from the 1st August 2005 till 31 December 2005

CN code	Description	Duty rate
Chapter 3	Fish and crustaceans, molluscs and other aquatic invertebrates	
	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption	
	Shrimps and prawns	
0306 13 50	Shrimps of the genus <i>Penaeus</i>	4.2
0306 13 80	Other	4.2
Chapter 16	Preparation of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates	
	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved	
	Shrimps and prawns	
1605 20 10	In airtight containers	7.0
	Other	
1605 20 91	In immediate packing of a net content not exceeding 2 kg	7.0

**LEGISLATIVE FINANCIAL STATEMENT FOR PROPOSALS HAVING A
BUDGETARY IMPACT EXCLUSIVELY LIMITED TO THE REVENUE SIDE**

1. NAME OF THE PROPOSAL:

Proposal for a Council Regulation temporarily reducing the autonomous common customs tariff duties for certain fishery products

2. BUDGET LINES :

Chapter and Article: Chap. 12 art. 120

Amount budgeted for the year concerned: millions

3. FINANCIAL IMPACT

Proposal has no financial implications

Proposal has no financial impact on expenditure but has a financial impact on revenue – the effect is as follows:

(€ million to one decimal place)

Budget line	Revenue ⁵	12 month period, starting dd/mm/aaaa	[Year n]
Article 120	<i>Impact on own resources</i>	01/01/2005	- 170,6

4. ANTI-FRAUD MEASURES

Provisions on the management of these suspensions include the measures necessary for preventing frauds and irregularities and protecting against them.

⁵ Regarding traditional own resources (agricultural duties, sugar levies, customs duties) the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % of collection costs.

5. OTHER REMARKS

Effective from 01.08.2005:

CN code	Expected variation in the loss of revenue in relation to the previous period (in €)
0306 13 50	59 546 000
0306 13 80	28 348 000
0306 13	87 894 000
1605 20 10	1 092 000
1605 20 91	4 796 000
1605 20	5 890 000

Total duty loss against the previous annual period:
(93.784.000 – 23.446.000) = 70.338.000 € net.