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COM (83) 784 **COLLECTION RELIEE DES**

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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABI. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABI. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlusssachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(83) 784 final

Brussels, 22 December 1983

Proposal for a <u>COUNCIL_REGULATION (EEC)</u>

opening, allocating and providing for the administration of Community tariff quotas for certain fishery products (1984)

(submitted to the Council by the Commission)

COM(83) 784 final

EXPLANATORY MEMORANDUM

1. In connection with its external fishery relations, the Community has undertaken to open, each year, Community tariff quotas for certain fishery products. For 1984 these tariff quotas are as follows:

| CCT No | Description of goods | Volume | Rate of duty |
|--------------------|---|----------|--------------|
| ex 03.01 B I h) 2 | Cod (Gadus morhua) fro- zen, round(1) | | |
| * | • | 6 000 t | 3.7% (2) |
| ex 03.01 B I f) 2 | Red fish (Sebastes spp) frozen, round | | |
| ex 03.01 B II b) 1 | Frozen fillets of cod | 8 000 t | 4 % (1) (2) |
| | (Gadus morhua) | 11 000 t | 6 % (1) (2) |
| ex 16.04 C II | "Herring-flaps", prepared or preserved in vinegar, in packings of a net capa- | | |
| | city of 10 kg or over | 4 500 t | 10 % |

- (1) Imports under the preferential rate are subject to production of a required model certificate certifying that the products concerned come from fish belonging to North Atlantic stocks, fhised in accordance with the International Conventions on the conservation and management of fishery resources.
- (2) Eligibility for this preferential system is subject to certain conditions regarding end-use.

Following the discussions that took place throughout the year 1983 between the Community and Canada, it has been decided by mutual agreement to bring about some amendments in the agreement concluded in 1981 and particularly:

- to group into a single tariff quota with a duty of 4% the two planned quotas for the frozen fillets of cod
- to amend somewhat the end-use conditions imposed on the quotas to be opened for frozen round cod and frozen fillets of cod.
- 2. This proposal for a regulation is to implement these provisions for 1984, providing for the participation of Greece in the allocating of tariff quotas.
- 3. As there are no detailed statistics for most of the products concerned, the allocation of the quotas could not be made according to normal criteria (previous figures and economic prospects for 1983).

The Commission therefore proposes that the quotas for the various products be divided into two parts, the first being shared among the Member States according to the estimated requirements put forward by the Member States, and the second forming a reserve to cover any subsequent need.

4. The proposal for a regulation provides for the "as and when" method as the only system of management to be applied by the Member States.

Proposal for a COUNCIL REGULATION (EEC)

opening, allocating and providing for the administration of Community tariff quotas for certain fishery products (1984)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas, in the context of its external relations regarding fisheries, it is in the Community's interest partially to suspend the Common Customs Tariff duties on a number of fishery products, within the limit of appropriate Community tariff quotas; whereas Community tariff quotas for 1984 should therefore be opened for mozen redfish (Sebastes sp.p.) rrozen cod (Gadus morhua), frozen cod fillets and herring fillets prepared or preserved in vinegar, presented in packings of a net capacity of 10 kilograms or more, falling within subheadings 03.01 B I f) 2, ex 03.01 B I h) 2, ex 03.01 B II b) 1 and ex 16.04 C II of the Common Customs Tariff; whereas eligibility to benefit from these quotas opened for products falling within subheadings ex 03.01 B I h) 2 and ex 03.01 B II b) 1 is subject to the presentation to the Community customs authorities of a certificate issued by the recognized authorities of the country of origin attesting that the products concerned come from fish belonging to the North Atlantic stocks which were fished with due regard for the international conventions on the conservation and management of fishery resources; whereathe certificates covering these products must also certify that the products presented come from cod of the Gadus morhua species;

Whereas, under Article 64 of the 1979 Act of Accession, the Hellenic Republic is required to apply the Common Customs Tariff duty in full or to commence the alignment of its tariff towards the Common Customs Tariff in respect of the products in question as from 1 January 1981; whereas it is therefore necessary that the tariff quotas in question should cover the requirements of that Member State during the quota period;

Whereas equal and continuous access to the quotas should be ensured for all importers and the rates for the said quotas should be applied without interruption to all imports until the quotas are used up; whereas, in the light of the principles outlined above, a Community tariff quota system based on an allocation between the Member States would seem to preserve the Community nature of the quotas; whereas, to reflect as closely as possible the actual development of the market in the products in question, the allocation should be in proportion to the requirements of the Member States, calculated both from statistics of imports from third countries during a representative reference period and according to the economic outlook for the quota year in question;

Whereas, however, the products in question of a particular origin, are not separately specified in the statistical nomenclatures; whereas it has therefore not yet been possible to obtain sufficiently precise and representative figures; whereas, therefore, part of these quotas should be assigned to the Community reserves, the remainder being allocated among the Member States in proportion to their forecast import requirements; whereas, for these products, the initial percentage shares in the quota can thus be as follows:

| | ex 03.01 B I f)2 | ex 03.01 B II b)1 | ex 16.04 C II |
|----------------|-----------------------------------|-------------------|---------------|
| | ex 03.01 B I h)2 (6000 tonnes) | (19000 tonnes) | (4500 tonnes) |
| Benelux | 3.11 | 1.29 | 3.45 |
| Denmark | 6.23 | 3.40 | 0.69 |
| Germany | 21.16 | 26.43 | 86-20 |
| Greece | 0.28 | 0,21 | 0.69 |
| France | 13.05 | 12.65 | 0.69 |
| Ireland | 0.28 | 0.13 | 0.69 |
| Italy | 0.28 | 0.28 | 0.69 |
| United Kingdom | 55 . 61 | 55.61 | 6.90 |

Whereas, to take account of possible import trends for the products in question, the quota volumes should be divided into two instalments, the first being allocated and the second held as a reserve to cover any subsequent requirements of Member States which have used up their initial share; whereas, to give importers some degree of certainty, the first instalment of the Community tariff quotas should be fixed at a fairly high level, which in this case could be respectively 5718, 18 107 and 2900 tonnes;

Whereas initial shares may be used at different rates; whereas to avoid disruption of supplies on this account it should be provided that any Member State which has almost used up its initial share should draw an additional share from the reserve; whereas each time its additional share is almost used up a Member State should draw a further share and so on as many times as the reserve allows; whereas, bearing in mind the sensitive nature of the fisheries market in the United Kingdom, that market should not be laid open to too great a pressure brought about by too high a level of imports from third countries; whereas, therefore, without prejudice to any arrangements to be decided upon for the future, the United Kingdom excluded from the obligation to should be draw further shares from certain of the reserves; whereas the initial and additional shares should be valid until the end of the quota period; whereas this form of administration requires close collaboration between the Member States and the Commission, which must be in a position to keep account of the extent to which the quotas have been used up and to inform the Member States accordingly;

Whereas, if at a given date in the quota period a considerable quantity of a Member State's share remains unused, it is essential that such State should return a significant proportion thereof to the reserve, in order to prevent a part of the Community tariff quota from remaining unused in one Member State while it could be used in others; whereas, however, as regards the United Kingdom, an eventual return to any of the reserves may be effected only up to the limit of the quantities necessary to satisfy the real needs of other Member States that cannot be met by the mechanisms which are directly applicable to them.

Whereas, since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are united within and jointly represented by the Benelux Economic Union, any measure concerning the administration of the shares allocated to that economic union may be carried out by any one of its members,

HAS ADOPTED THIS REGULATION:

Article 1

- 1. From 1 January to 31 December 1984, a Community tariff quota of 6000 tonnes shall be opened with a duty of 3.7% for frozen redfish (Sebastes Sp.p.) and frozen cod (Gadus morhua) falling within subheadings 03.01 B I f) 2 and ex 03.01 B I h) 2 of the Common Customs Tariff, intended to undergo one of the operations authorized under paragraph 4.
- 2. From 1 January to 31 December 1984, a Community tariff quota of 19000 tonnes with a duty of 4% shall be opened for trozen cod (Gadus morhua) fillets falling within subheading ex 03.01 B II b) 1 of the Common Customs Tariff, intended to undergo one of the operations authorized under paragraph 4.
- 3. From 1 January to 31 December 1984, a Community tariff quota of 4500 tonnes with a duty of 10 % shall be opened for herring fillets, prepared or preserved in vinegar, presented in packings of a net capacity of 10 kilograms or more, falling within subheading 16.04 C II of the Common Customs Tariff.
- 4. Without prejudice to paragraph 5, the preferential arrangements shown in paragraphs 1 and 2 shall apoly to fish intended to undergo any operation, unless they are intended to

undergo exclusively one or more of the following treatments:

- cleaning, gutting, heading, tailing,
- cutting (excluding filleting and cutting up frozen blocks),
- sampling, sorting,
- labelling,
- packing,
- chilling,
- freezing,
- deep-freezing,
- thawing, separation.

The preferential arrangements shall not apply to products intended to undergo an operation which qualifies for the grant of the benefit of the quota but which is carried out at retail or catering level.

The products referred to in paragraph 2, which are presented in individual fillets and in immediate packings of a net capacity of 4 kilograms or more shall be considered to fulfill the conditions shown in the present paragraph.

The preferential arrangements shall apply only to fish intended for human consumption.

5. The tariff opened for products falling within subheadings ex 03.01 B I h) 2 and ex 03.01 B II b) 1 of the Common Customs Tariff shall be reserved for products accompanied by a certificate issued by one

of the recognized authorities of the countries of origin listed in Annex II, made out in accordance with one of the specimens in Annex I, attesting that the fish from which they were obtained were fished in the North Atlantic with due respect for the international conventions on the conservation and management of fishery resources. The certificate must also certify that the products presented were obtained from cod of the Gadus morhua species.

6. For the purposes of these tariff quotas, Greece shall apply customs duties calculated in accordance with the provisions of the 1979 Act of Accession.

Article 2

1. The tariff quotas referred to in Article 1 shall be divided into two instalments.

A first instalment of each quota, i.e. 5 718,18 107 and 2 900 tonnes respectively, shall be allocated among the Member States; the shares which, subject to Article 5, shall be valid until 31 December 1984 shall be as follows:

| | Quota | Quota | Quota |
|--|---------------|---------------|---------------|
| | Article 1 (1) | Article 1 (2) | Article 1 (3) |
| | (6000 tonnes | (19000 tonnes | (4 500 tonnes |
| | to 3.7 %) | to 4 %) | to 10 %) |
| Benelux Denmark Germany Greece France Ireland Italy United Kingdom | 195 | 260 | 100 |
| | 390 | 700 | 20 |
| | 1 340 | 5 400 | 2 500 |
| | 15 | 40 | 20 |
| | 820 | 2 600 | 20 |
| | 15 | 25 | 20 |
| | 15 | 50 | 20 |
| | 2 610 | 8 025 | 20 |
| | 5 400 | 17 100 | 2 900 |

2. The second instalment of each quota, i.e. 282, 393 and 1 600 tonnes respectively, shall constitute the corresponding reserve.

Article 3

- 1. If a Member State has used 90 % or more of its initial share as fixed in Article 2 (1), or of that chare minus any portion returned to the reserve pursuant to Article 5, it shall forthwith, by notifying the Commission, draw a second share, to the extent that the reserve so permits, equal to 10 % of its initial share, rounded up as necessary to the next whole number.
- 2. If a Member State, after exhausting its initial share, has used 90 % or more of the second share drawn by it, that Member State shall forthwith, in the manner and to the extent provided in paragraph 1, draw a third share equal to 5 % of its initial share, rounded up as necessary to the next whole number.
- 3. If a Member State, after exhausting its second share, has used 90% or more of the third share drawn by it, that Member State shall, in the manner and to the extent provided in paragraph 1, draw a fourth share equal to the third.

This process shall apply until the reserve is used up.

- 4. By way of derogation from paragraphs 1, 2 and 3, a Member State may draw shares lower than those specified in those paragraphs if there are grounds for believing that those specified may not be used in full. Any Member State applying this paragraph shall inform the Commission of its grounds for so doing.
- 5. However, with regard to the quotas referred to in Article 1 (1) and (2), paragraphs 1 to 4 above shall not apply to the United Kingdom.

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 198 4.

Article 5

1. Member States shall, not later than 1 October 1984, return to the reserve the unused portion of their initial share which, on 15 September 1984, is in excess of 20 % of the initial volume. They may return a greater portion if there are grounds for believing that it may not be used in full.

Member States shall, not later than 1 October 1984, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1984 and charged against the Community tariff quotas and of any portion of their initial shares returned to the reserve.

2. However, with regard to the quotas referred to in Article 1 (1) and (2), an eventual return to the reserve by the United Kingdom may be effected only up to the limit of the quantities necessary to satisfy the real needs of other Member States that cannot be met neither by their initial shares nor by the corresponding reserve rebuilt eventually pursuant to paragraph 1.

Article 6

The Commission shall keep an account of the shares opened by the Member States pursuant to Articles 2 and 3 and shall, as soon as the information reaches it, inform each State of the extent to which the reserve has been used up.

It shall, not later than 5 October 1984, inform the Member States of the amount still in reserve, following any return of shares pursuant to Article 5.

It shall ensure that the drawing which exhausts one of the reserves does not exceed the balance available, and to this end shall notify the amount of that balance to the Member State making the last drawing.

Article 7

1. The Member States shall take all appropriate measures to ensure that additional shares drawn pursuant to Article 3 are opened in such a way that importations may be charged without interruption against their accumulated shares of the Community quota.

- 2. The Member States shall take all appropriate measures to ensure that the products referred to in Article 1 (1) and (2) fulfill the conditions given in the aforesaid article for admission to benefit from the tariff quotas. In such case use of the product for the particular end-use specified shall be verified in accordance with the relevant Community provisions.
 - 3. The Member States shall ensure that importers of the products in question,

 have free access to the shares allocated to them.
 - 4. The Member States shall charge imports of the products in question against their shares as and when the product is entered with the customs authorities for free circulation.
 - 5. The extent to which a Member State has used up its share shall be determined on the basis of the imports charged in accordance with paragraph 4.

Article 8

Admission to benefit from the tariff quotas may not be subjected by a Member State to a customs security; intended solely to ensure that the shares envisaged in the present Regulation are not exceeded unless the effective use of the shares that have been attributed to it has exceeded 90 % of such shares.

Article 9

Member States shall, not later than the fifteenth day of the months of April and July, communicate to the Commission statement of charges effected on their shares during the first and second quarters respectively. At the request of the Commission, they shall communicate statement of charges for shorter periods and these statements must be forwarded within ten days from the end of each period.

Article 10

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 11

This Regulation shall enter into force on 1 January 1984.

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

Done at Brussels,

For the Council
The President

MODELLER TIL CERTIFIKAT

MUSTER DER BESCHEINIGUNG

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| CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the consignment described above of the North Atlantic Ocean fished in accordance with the pro North-East Atlantic Fisheries Commission. | contains only North Atlantic co visions of the North-West Atla | nd <i>(Gadus morhua)</i> fro ntic Fisheries Organiz | m the stocks ation, or the |
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| 11 VISTO DELL'AUTORITÀ COMPETENTE | | | |
| Il sottoscritto certifica che la partita descritta sopra contiene morhua) delle popolazioni dell'Oceano Atlantico settentrional Atlantico nord-occidentale o della commissione di pesca dell'A | e pescato in contormita ai termin | dell'Atlantico settent i dell'organizzazione | rionale (Gadu: di pesca dell |
| | | | |
| | • | | |
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| | | | |
| | | | |
| 12 Autorità competente (nome, indirizzo completo, paese) | A | il | |
| | | | |
| | | | |
| | (Firma) | • (| Sigillo) |

| 1 Exporteur (naam, volledig adres, land) | 2 Nummer | 00000 |
|---|--|---|
| 3 Geadresseerde (naam, volledig adres, land) | BETREFFENDE NOORDAT (GADUS I afgegeven met het o van de voordelen v tariefprefen | MORHUA) |
| | 4 Land van oorsprong | 5 Land van bestemming |
| 6 Plaats en datum van inlading — vervoermiddel | 7 Bijkomende gegevens | |
| | - | |
| 8 Merken en nummers — aantal en soort der colli — NAUWKEURIGE OMSCHRUVING VAN DE GOEDEREN | | 9 Hoeveelheid 10 fob- in ton waarde (1) |
| | | 4 |
| | | • |
| • | | |
| | | |
| 11 VISUM VAN DE BEVOEGDE AUTORITEIT: Ondergetekende verklaart dat de hierboven omschreven zendir visbestanden van de Noordatlantische Oceaan bevat, gevange Visserij Organisatie, of van de Noord-Oost Atlantische Visserij Co | n overeenkomstig de bepalingen ' | eljauw (Gadus morhua) van de van de Noord-West Atlantische |
| | | |
| | | |
| 12 Bevoegde autoriteit (naam, volledig adres, land) | Te | · · · · · · · · · · · · · · · · · · · |
| | (Handtekening) | (Stempel) |

BILAG II — ANHANG II — IIAPAPTHWA II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II

| Oprindelsesland Ursprungsland Χώρα καταγωγής Country of origin Pays d'origine Paese di origine Land van oorsprong | Kompetent myndighed Zuständige Behörde 'Αρμόδια ὑπηρεσία Competent authority Autorité compétente Autorità competente Bevoegde autoriteit |
|---|--|
| Island | |
| Island | |
| Ισλανδία | |
| Iceland | Customs Iceland |
| Islande | |
| Islanda | |
| IJsland | |
| Norge | • |
| Norwegen | |
| Νορδηγία | Quality Inspection Department |
| Norway | Directorate General of Fisheries |
| Norvège | Bergen (Norway) |
| Norvegia | , ' |
| Noorwegen | * |
| | |
| Canada | |
| Kanada | |
| Καναδάς | |
| Canada | Department of Fisheries and Oceans |
| Canada | |
| Canada | |
| Canada | |
| De forenede Stater | |
| USA | |
| НПА | Department of Commerce Washington D.C. |
| USA | wasnington D.C. |
| Stati Uniti | |
| USA | |