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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3610/82

of 21 December 1982

opening, allocating and providing for the administration of Community tariff quotas for certain fishery products (1983)

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 1983 should therefore be opened for frozen redfish (Sebastes marinus), frozen 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; whereas the 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:

	03.01 B I f) 2 ex 03.01 B I h) 2 (5 000 tonnes)	ex 03.01 B II b) 1 (8 000 tonnes)	ex 03.01 B II b) 1 (10 000 tonnes)	ex 16.04 C II (4 000 tonnes)
Benelux	3·67	1·11	1·89	3·45
Denmark	7·33	3·33	4·67	0·69
Germany	24·90	29·03	33·67	86·20
Greece	0·33	0·35	0·17	0·69
France	15·33	11·81	17·77	0·69
Ireland	0·33	0·13	0·17	0·69
Italy	0·33	0·35	0·33	0·69
United Kingdom	47·78	53·89	41·33	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 4 500, 7 200, 9 000 and 2 900 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 should be partially excluded from the obligation to 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, 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 1983, a Community tariff quota of 5 000 tonnes shall be opened with a duty of 3·7 % for frozen redfish (Sebastes marinus) 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 1983, Community tariff quotas of 8 000 tonnes with a duty of 4 % and 10 000 tonnes with a duty of 6 % shall be opened for frozen 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 1983, a Community tariff quota of 4 000 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 shall apply 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 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. 4 500, 7 200, 9 000 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 1983 shall be as follows:

	Quota Article 1 (1)	Quota Article 1 (2)		Quota Article 1 (3)
	(5 000 tonnes to 3·7 %)	(8 000 tonnes to 4 %)	(10 000 tonnes to 6 %)	(4 000 tonnes to 10 %)
Benelux	165	80	170	100
Denmark	330	240	420	20
Germany	1 120	2 090	3 030	2 500
Greece	15	25	15	20
France	690	850	1 600	20
Ireland	15	10	15	20
Italy	15	25	30	20
United Kingdom	2 150	3 880	3 720	200
	4 500	7 200	9 000	2 900

2. The second instalment of each quota, i.e. 500, 800, 1 000 and 1 100 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 share 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 apply to the United Kingdom only up to the limit of the initial reserves covered by Article 2 (2).

Article 4

Additional shares drawn pursuant to Article 3 shall be valid until 31 December 1983.

Article 5

Member States shall, not later than 1 October 1983, return to the reserve the unused portion of their initial share which, on 15 September 1983, 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 1983, notify the Commission of the total quantities of the product in question imported up to and including 15 September 1983 and charged against the Community tariff quotas and of any portion of their initial shares returned to the reserve.

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 1983, 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) admitted under the tariff quotas undergo the operation which was declared upon importation and which constituted the grounds for the preferential system. 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, established in their territory, 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

At the request of the Commission, the Member States shall inform it of imports actually charged against their shares.

Article 9

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

Article 10

This Regulation shall enter into force on 1 January 1983.

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

Done at Brussels, 21 December 1982.

For the Council
The President
O. MØLLER

BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I

MODELLER TIL CERTIFIKAT

MUSTER DER BESCHEINIGUNG

ΥΠΟΔΕΙΓΜΑ ΠΙΣΤΟΠΟΙΗΤΙΚΟΥ

MODEL CERTIFICATE

MODÈLES DE CERTIFICAT

MODELLI DI CERTIFICATO

MODELLEN VAN CERTIFICAAT

1 Eksportør (navn, fuldstændig adresse, land)	2 Nummer	00000
	CERTIFIKAT VEDRØRENDE NORDATLANTISK TORSK (GADUS MORHUA) udstedt med henblik på opnåelse af præferencetoldbehandling i Det europæiske økonomiske Fællesskab	
3 Modtager (navn, fuldstændig adresse, land)	4 Oprindelsesland	5 Bestemmelsesland
6 Sted og dato for indskibning — transportmiddel	7 Supplerende oplysninger	

8 NØJE BESKRIVELSE AF VARERNE — Mærker og numre — Antal kolli og deres art	9 Antal i tons	10 Værdi fob (')

11 DEN KOMPETENTE MYNDIGHEDS PÅTEGNING

Undertegnede erklærer, at ovenfor beskrevne forsendelse udelukkende indeholder Nordatlantisk torsk (Gadus morhua) fra bestandene i Det nordlige Atlanterhav, som er fanget i overensstemmelse med de bestande, som er fastsat af Den nordvestlige Fiskeriorganisation eller Den nordøstatlantiske Fiskerikommission

12 Kompetent myndighed (navn, adresse, land)	Sted....., *dato*.....
	(Underskrift) (Stempel)

(') Valuta, der er anført i købekontrakten.

1 Ausführer (Name, vollständige Anschrift, Land)	2 Nummer	00000
	BESCHEINIGUNG FÜR NORDATLANTISCHEN KABELJAU (GADUS MORHUA) ausgestellt für die Zulassung zur zolltariflichen Vorzugsregelung in der Europäischen Wirtschaftsgemeinschaft	
3 Empfänger (Name, vollständige Anschrift, Land)	4 Ursprungsland	5 Bestimmungsland
6 Ort und Datum der Verladung — Beförderungsmittel	7 Zusätzliche Angaben	

8 GENAUE BESCHREIBUNG DER ERZEUGNISSE — Zeichen und Nummern — Anzahl und Art der Packstücke	9 Menge in Tonnen	10 Wert fob (1)

11 SICHTVERMERK DER ZUSTÄNDIGEN BEHÖRDE

Der Unterzeichnende bescheinigt, daß die vorstehend bezeichnete Sendung ausschließlich aus nordatlantischem Kabeljau (Gadus morhua) aus Beständen des Nordatlantiks besteht, der gemäß den Regeln der Nordwestatlantischen Fischereiorganisation oder der Nordostatlantischen Fischereikommission gefischt wurde.

12 Zuständige Behörde (Name, vollständige Anschrift, Land)	Ort ....., Datum ..... (Unterschrift) (Stempel)

(1) In der im Kaufvertrag angegebenen Währung.

1 Έξαγωγέας (όνομα, πλήρης διεύθυνση, χώρα)	2 Αριθμός	00000
	ΠΙΣΤΟΠΟΙΗΤΙΚΟ ΓΙΑ ΤΟΝ ΒΑΚΑΛΑΟ ΤΟΥ ΒΟΡΕΙΟΥ ΑΤΛΑΝΤΙΚΟΥ (GADUS MORHUA) ἐκδοθέν γιά τήν ἐπίτευξη τοῦ εὐεργετήματος τοῦ προτιμησιακοῦ δασμολογικοῦ καθεστῶτος ἐντός τῆς Εὐρωπαϊκῆς Οἰκονομικῆς Κοινότητας	
3 Παραλήπτης (όνομα, πλήρης διεύθυνση, χώρα)	4 Χώρα καταγωγῆς	5 Χώρα προορισμοῦ
6 Τόπος καί χρονολογία ἀποστολῆς — Μέσο μεταφορᾶς	7 Συμπληρωματικά στοιχεῖα	

8 ΛΕΠΤΟΜΕΡΗΣ ΠΕΡΙΓΡΑΦΗ ΤΩΝ ΕΜΠΟΡΕΥΜΑΤΩΝ — Σημεῖα καί ἀριθμοί — Ἀριθμός καί εἶδος τῶν δεμάτων	9 Ποσότητα σέ τόνους	10 Ἀξία fob (1)

11 ΕΠΙΚΥΡΩΣΗ ΤΗΣ ΑΡΜΟΔΙΑΣ ΥΠΗΡΕΣΙΑΣ

Ὁ ὑπογεγραμμένος πιστοποιεῖ ὅτι ἡ ἀποστολή μέ τήν παραπάνω περιγραφή περιέχει ἀποκλειστικά βακαλάο τοῦ Βορείου Ἀτλαντικοῦ (Gadus morhua), προερχόμενον ἀπό τά ἀποθέματα τοῦ Βορείου Ἀτλαντικοῦ καί ἁλιευθέντα σύμφωνα μέ τίς διατάξεις τοῦ Ὀργανισμοῦ τοῦ Βορειοδυτικοῦ Ἀτλαντικοῦ ἤ τῆς Ἐπιτροπῆς Ἁλιείας τοῦ Βορειοανατολικοῦ Ἀτλαντικοῦ.

12 Ἁρμόδια ὑπηρεσία (όνομα, πλήρης διεύθυνση, χώρα)	Ἔγινε στ....., τήν.....
	(Ὑπογραφή) (Σφραγίδα)

(1) Στό νόμισμα τῆς συμβάσεως πωλήσεως.

1 Exporter (Name, full address, country)	2 Number	00000
	CERTIFICATE IN REGARD TO NORTH ATLANTIC COD (GADUS MORHUA) issued with a view to obtaining the benefit of the preferential tariff arrangements in the European Economic Community	
3 Consignee (Name, full address, country)	4 Country of origin	5 Country of destination
6 Place and date of shipment — Means of transport	7 Supplementary details	

8 DETAILED DESCRIPTION OF GOODS — Marks and numbers — Number and kind of packages	9 Quantity in tonnes	10 FOB value (')

11 CERTIFICATION BY THE COMPETENT AUTHORITY

I, the undersigned, certify that the consignment described above contains only North Atlantic cod *(Gadus morhua)* from the stocks of the North Atlantic Ocean fished in accordance with the provisions of the North-West Atlantic Fisheries Organization, or the North-East Atlantic Fisheries Commission.

12 Competent authority (Name, full address, country)	At....., on .....
	(Signature) (Seal)

(') In the currency of the contract of sale.

1 Exportateur (Nom, adresse complète, pays)	2 Numéro	00000
	CERTIFICAT CONCERNANT LE CABILLAUD DE L'ATLANTIQUE DU NORD («GADUS MORHUA») délivré en vue de l'obtention du bénéfice du régime tarifaire préférentiel dans la Communauté économique européenne	
3 Destinataire (Nom, adresse complète, pays)	4 Pays d'origine	5 Pays de destination
6 Lieu et date d'embarquement — moyen de transport	7 Données supplémentaires	

8 DÉSIGNATION DÉTAILLÉE DES MARCHANDISES — Marques et numéros — nombre et nature des colis	9 Quantité en tonnes	10 Valeur fob (')

11 VISA DE L'AUTORITÉ COMPÉTENTE

Je soussigné certifie que l'envoi décrit ci-dessus contient exclusivement du cabillaud de l'Atlantique Nord *(Gadus morhua)* provenant des stocks de l'océan de l'Atlantique Nord et capturés en concordance avec les dispositions de l'Organisation de l'Atlantique du Nord-Ouest ou de la commission des pêcheries de l'Atlantique du Nord-Est.

12 Autorité compétente (Nom, adresse complète, pays)	À....., le.....
	(Signature) (Sceau)

(') Dans la monnaie du contrat de vente.

1 Esportatore (nome, indirizzo completo, paese)	2 Numero	00000
	CERTIFICATO RELATIVO AL MERLUZZO BIANCO DELL'ATLANTICO DEL NORD (GADUS MORHUA) rilasciato per ottenere il beneficio del regime tariffario preferenziale nella Comunità economica europea	
3 Destinatario (nome, indirizzo completo, paese)	4 Paese di origine	5 Paese di destinazione
6 Luogo e data d'imbarco — Mezzo di trasporto	7 Dati supplementari	

8 DESIGNAZIONE DETTAGLIATA DELLE MERCI — Marche e numeri — Numero e natura dei colli	9 Quantità in tonnellate	10 Valore fob (')

11 VISTO DELL'AUTORITÀ COMPETENTE

Il sottoscritto certifica che la partita descritta sopra contiene esclusivamente merluzzo bianco dell'Atlantico settentrionale (Gadus morhua) delle popolazioni dell'Oceano Atlantico settentrionale pescato in conformità ai termini dell'organizzazione di pesca dell' Atlantico nord-occidentale o della commissione di pesca dell'Atlantico nord-occidentale.

12 Autorità competente (nome, indirizzo completo, paese)	A....., il.....
	(Firma) (Sigillo)

(') Nella moneta del contratto di vendita.

1 Exporteur (naam, volledig adres, land)	2 Nummer	00000
	CERTIFICAAT BETREFFENDE NOORDATLANTISCHE KABELJAUW (GADUS MORHUA) afgegeven met het oog op het verkrijgen van de voordelen van het stelsel van tariefpreferenties in de Europese Economische Gemeenschap	
3 Geadresseerde (naam, volledig adres, land)	4 Land van oorsprong	5 Land van bestemming
6 Plaats en datum van inlading — vervoermiddel	7 Bijkomende gegevens	

8 NAUWKEURIGE OMSCHRIJVING VAN DE GOEDEREN — merken en nummers — aantal en soort colli	9 Hoeveelheid in ton	10 fob-waarde (1)

11 VISUM VAN DE BEVOEGDE AUTORITEIT:

Ondergetekende verklaart dat de hierboven omschreven zending uitsluitend Noordatlantische kabeljauw (Gadus morhua) van de visbestanden van de Noordatlantische Oceaan bevat, gevangen overeenkomstig de bepalingen van de Noord-West Atlantische Visserij Organisatie, of van de Noord-Oost Atlantische Visserij Commissie.

12 Bevoegde autoriteit (naam, volledig adres, land)	Te ....., de .....
	(Handtekening) (Stempel)

(1) In de munt van het verkoopcontract.

BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ 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 υπηρεσία Competent authority Autorité compétente Autorità competente Bevoegde autoriteit
Island Island Ἰσλανδία Iceland Islande Islanda IJsland	Customs Iceland
Norge Norwegen Νορβηγία Norway Norvège Norvegia Noorwegen	Quality Inspection Department Directorate General of Fisheries Bergen (Norway)
Canada Kanada Καναδάς Canada Canada Canada Canada	Department of Fisheries and Oceans
De forenede Stater USA ΗΠΑ USA Stati Uniti USA	Department of Commerce Washington D.C.