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►B ►M3 **COUNCIL REGULATION (EC) No 2178/95**

of 8 August 1995

opening and providing for the administration of Community tariff quotas for certain industrial and fishery products originating in Estonia, Latvia and Lithuania, and establishing the detailed provisions for adapting these quotas ◄

(OJ L 223, 20.9.1995, p. 1)

Amended by:

		Official Journal		
		No	page	date
►M1	Council Regulation (EC) No 921/96 of 13 May 1996	L 126	1	24.5.1996
►M2	Council Regulation (EC) No 1926/96 of 7 October 1996	L 254	1	8.10.1996
►M3	Commission Regulation (EC) No 2206/98 of 14 October 1998	L 278	16	15.10.1998

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COUNCIL REGULATION (EC) No 2178/95

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas the Free Trade Agreements between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one hand, and the Republics of Lithuania, Estonia and Latvia, of the other hand, signed on 18 July 1994, stipulate that certain products originating in these countries may attract a reduced or zero rate of duty on import into the Community, within the limits of tariff quotas or ceilings;

Whereas the decision for the opening of Community quotas should be taken by the Community, in the execution of its international obligations, in the case of the products listed in Annexes I, II and III to this Regulation; whereas particular care should be taken to ensure that all Community importers have equal and continuous access to those quotas and that the rates laid down for the quotas are applied uninterruptedly to all imports of the products in question into all Member States until the quotas are exhausted; whereas, to ensure the efficiency of a common administration of these quotas, there is no obstacle to authorizing the Member States to draw from the quota volumes the necessary quantities corresponding to actual imports; whereas, however, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

Whereas in the case of the products listed in Annex IV to this Regulation, which are subject to Community tariff ceilings, Community surveillance may be achieved by means of an administrative procedure based on charging imports of the products in question against the ceilings at Community level as and when products are entered with the customs authorities for free circulation;

Whereas this administrative procedure requires close and particularly rapid cooperation between the Member States and the Commission, and the latter must in particular be able to monitor quantities charged against the ceilings and inform the Member States accordingly; whereas this cooperation has to be particularly close, since the Commission must be able to take appropriate measures to re-establish customs duties once a ceiling is reached;

Whereas the tariff quotas and ceilings laid down in the Agreements in question relate to a period of several years; whereas the agreements have already fixed the level of the annual increase in the volume of the tariff quotas and ceilings; whereas the agreements also set out the conditions required for granting the tariff concessions within the limits of the said tariff quotas and ceilings; whereas, therefore, in the interests of rationalizing implementation of the measures concerned, the provisions relating to tariff quotas and ceilings for agricultural or industrial products currently contained in the various regulations covering each of the abovementioned countries should be grouped together in a single regulation, applicable for a period of several years;

Whereas amendments to the combined nomenclature and Taric codes and adaptations of quota volumes and rates arising from decisions of the Council or Commission do not involve changes of substance; whereas, in the interests of simplicity, provision should be made for

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the Commission to make the necessary amendments and technical adaptations to the Annexes to this Regulation after first having obtained the opinion of the Customs Code Committee;

Whereas, for the same reasons, this procedure can be applied in case of amendment to the agreements existing between the Community and these countries, in so far as any amendments thus agreed specify the products eligible for the benefit of tariff quotas or ceilings, their volumes, rates of duty and quota periods and any conditions for granting that benefit; whereas provision should therefore be made for the Commission to make corresponding amendments to the provisions and annexes to this Regulation, after obtaining the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December of each year goods originating in Estonia, Latvia and Lithuania which are listed in ►M1 Annexes I to VIII ◄ to this Regulation shall be subject to tariff quotas ►M3 ———— ◄ in accordance with the provisions contained within those Annexes.

Article 2

1. The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take all appropriate administrative measures in order to ensure efficient administration thereof.

2. Where an importer declares a product covered by this Regulation for free circulation in a Member State and applies to take advantage of the preferential arrangements, and that declaration is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the quota volume.

Requests for drawings, indicating the date of acceptance of the said declarations, must be sent to the Commission without delay.

The drawings shall be granted by the Commission by reference to the date of acceptance of the declaration for free circulation by the customs authorities of the Member State concerned, to the extent that the available balance so permits.

3. If a Member State does not use the quantities drawn, it shall return them to the corresponding quota volume as soon as possible.

4. If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated on a pro rata basis. The Commission shall inform the Member States of the drawings made.

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Article 4

In order to ensure compliance with this Regulation, the Commission shall take all appropriate measures, in close cooperation with the Member States.

Article 5

Each Member State shall ensure that importers of the products in question have equal and uninterrupted access to the quotas for as long as the balance of the relevant quota volumes so permits.

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Article 6

1. The provisions required for the implementation of this Regulation, and in particular:

(a) any amendments and technical adaptations rendered necessary by amendments to the combined nomenclature and Taric codes; and

(b) the necessary adaptations arising from the conclusion by the Council of protocols, exchanges of letters within the framework of existing agreements, or agreements between the Community and these countries under the agreements referred to in this Regulation;

shall be adopted in accordance with the procedure laid down in Article 7 (2).

2. Provisions adopted pursuant to this Regulation shall not authorize the Commission to:

— carry over preferential quantities from one quota period to another,

— transfer quantities from one Community tariff quota ►**M3** ——— ◄ to another,

— open and manage tariff quotas ►**M3** ——— ◄ under new agreements.

Article 7

1. The Commission shall be assisted by the Customs Code Committee established by Article 247 of Regulation (EEC) No 2913/92 [1].

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chair may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chair shall not vote.

The Commission shall adopt the measures, which apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event:

— the Commission shall defer application of the measures which it has decided for three months from the date of such communication,

— the Council, acting by qualified majority, may take a different decision within the period referred to in the previous paragraph.

3. The Committee may examine any question concerning the application of this Regulation which is raised by its chair either at the latter's initiative or at the request of a Member State.

Article 8

The protocol concerning the definition of the concept of originating products and methods of administrative cooperation annexed to the Free Trade Agreements concluded between the Community and each of the Republics referred to in Article 1 shall apply.

Article 9

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 January 1995.

[1] OJ No L 302, 19. 10. 1992, p. 1.

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

ANNEX I

List of products originating in Estonia subject to reduced or zero-duty tariff quotas

Order number	CN code	Taric subdivision	Designation of merchandise	Quota duty	Quota volume (in tonnes)
09.6401	0301 92 00 0302 66 00 0303 76 00		Eels (*Anguilla* spp.), live, fresh, refrigerated or frozen	0 %	100
09.6403	0302 50 0302 69 35 0303 60 0303 79 41		Cod (*Gadus morhua, Gadus ogac, Gadus macrocephalus*) and fish of the species *Boreogadus saida*, fresh, refrigerated or frozen	6 %	2 500
09.6405	0302 69 19 0303 79 19		Other fish, fresh, refrigerated or frozen	4 %	1 000
09.6407	ex 0304 10 19	*20 *90	Other fish fillets, fresh, frozen, excluding carps	4,5 %	500
	ex 0304 20 19	*20 *30 *90			
09.6409	ex 1604 13 90	*91 *92	Brisling or sprats (*Sprattus sprattus*), prepared or preserved	10 %	350
09.6411	ex 1604 19 94 ex 1604 19 95	*10 *10	Hake (*Merluccius* spp.), prepared or preserved Alaska pollack (*Theragra chalcogramma*), prepared or preserved	10 %	60

ANNEX II

List of products originating in Lithuania subject to reduced or zero-duty tariff quotas

Order number	CN code	Taric subdivision	Designation of merchandise	Quota duty	Quota volume (in tonnes)
09.6413	0301 92 00 0302 66 00		Eels (*Anguilla* spp.), live or fresh	0 %	20
09.6415	0301 99 19 0302 69 19		Other fish, live or fresh	4 %	200
09.6417	0302 22 00 0303 32 00		Plaice (*Pieuronectes platessa*), fresh or frozen	7,5 %	60
09.6419	0302 50 0302 69 35 0303 60 0303 79 41		Cod (*Gadus morhua, Gadus ogac, Gadus macrocephalus*) and fish of the species *Boreogadus saida*, live, fresh or frozen	6 %	1 800
09.6421	0303 31 30		Atlantic halibut (*Hippoglossus hippoglossus*), frozen	4 %	150
09.6423	0303 71 99		Brisling or sprats (*Sprattus sprattus*) from 16 June to 14 February, frozen	6,5 %	500
09.6425	ex 0303 79 55	*10	Alaska pollack (*Theragra chalcogramma*), frozen	7,5 %	1 000
09.6427	0303 79 83		Blue whiting (*Micromesistius poutassou* or *Gadus pontassou*), frozen	7,5 %	500
09.6429	ex 1604 19 91	*20	Cod raw fillets, merely coated with batter or breadcrumbs, whether or not prefried in oil, deep frozen	7,5 %	100
09.6431	1604 19 92		Other prepared or preserved cod, whole or in pieces, but not minced	10 %	65

ANNEX III

List of products originating in Latvia subject to reduced or zero-duty tariff quotas

Order number	CN code	Taric subdivision	Designation of merchandise	Quota duty	Quota volume
09.6301	0302 50 20 0302 69 35 0303 60 19 0303 60 90 0303 79 41		Cod (*Gadus ogac, Gadus macrocephalus*) and fish of the species *Boreogadus saida*, fresh or frozen	6 %	750 tonnes
09.6303	0302 50 10 0303 60 11		Cod (*Gadus morhua*), fresh or frozen	6 %	250 tonnes
09.6305	0302 61 99 0303 71 99		Brisling or sprats (*Sprattus sprattus*) from 16 June to 14 February, fresh or frozen	6,5 %	1 600 tonnes
09.6307	ex 1604 19 98 ex 1604 20 90	*10 *35 *50	Prepared and preserved brislings and lamprey, minced or not	10 %	350 tonnes
09.6309	2301 20 00		Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates	0 %	4 000 tonnes
09.6311	ex 0302 70 00	*31 *33	Fish eggs and roes of salmon	0 %	300 000 pieces
09.6313	ex 0301 99 11 ex 0301 99 19	*20 *10	Young salmon	0 %	100 000 pieces
09.6315	ex 0302 70 00	*41	Roe of pike	4 %	1 000 000 pieces
09.6317	ex 0301 99 19	*20	Young pike perch	4 %	300 000 pieces

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ANNEX V

List of products originating in Estonia subject to autonomous common tariff quotas on the basis of an annual quota period, commencing on 1 January 1995

Order No	CN code	Taric subdivision	Description	Quota duty	Quota volume (tonnes)
09.6435	0302 50 10		Cod (*Gadus morhua)* fresh or refrigerated	0 %	870
09.6436	ex 0302 69 19	*10	Perch, pike and perch pike fresh or refrigerated	0 %	220
09.6437	0304 10 11 to 1038 0304 20		Fresh, refrigerated or frozen fish fillets	0 %	360
09.6438	1604 20 10		Prepared and preserved salmon	0 %	270
09.6439	1604 20 70		Prepared and preserved tuna, skipjack and other fishes of the genus *Euthynnus*	0 %	150
09.6440	1604 20 90		Other prepared and preserved fishes	0 %	1 360

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ANNEX VI

List of agricultural products originating in Estonia subject to reduced or zero-duty tariff ceilings

Order No	CN code	Taric subdivision	Description	Quota duty	1995	1996	Further years
09.6448	0701 10 00 0701 90 10 0701 90 51 0701 90 59 0701 90 90		Potatoes, fresh or refrigerated	40 % of the normal rate	800	900	1 000
09.6449	0712 10 00 0712 90 05 (*)		Dried potatoes, whole, cut, sliced but not further prepared	6 %	60	60	60

(*) CN code as from 1996.

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ANNEX VII

List of products originating in Latvia subject to autonomous common tariff quotas on the basis of an annual quota period, commencing on 1 January 1995

Order No	CN code	Taric subdivision	Description	Quota duty	Quota volume (tonnes)
09.6441	0302 50 10		Cod (*Gadus morhua)* fresh or refrigerated	0 %	570
09.6442	ex 0302 21 00	*10	Rainbow trout frozen (*Oncorhynchus mykiss)*	0 %	50
09.6443	0304 20 29		Cod fillets frozen	0 %	190

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ANNEX VIII

List of products originating in Lithuania subject to autonomous common tariff quotas on the basis of an annual quota period, commencing on 1 January 1995

Order No	CN code	Taric subdivision	Description	Quota duty	Quota volume (tonnes)
09.6444	ex 0303 21 00	*10	Rainbow trout frozen (*Oncorhynchus mykiss)*	0 %	30
09.6445	0304 20 29		Cod fillets frozen	0 %	150