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COUNCIL REGULATION (EC) No 669/97

of 14 April 1997

opening and providing for the administration of Community tariff quotas ►M2 ——————— ◄ ►M2 ——————— ◄ for certain fish and fishery products originating in the Faroe Islands, defining detailed provisions for amending and adapting these measures and repealing Regulation (EC) No 1983/95

(OJ L 101, 18.4.1997, p. 1)

Amended by:

		Official Journal		
		No	page	date
►M1	Commission Regulation (EC) No 1034/98 of 18 May 1998	L 148	6	19.5.1998
►M2	Commission Regulation (EC) No 2471/1999 of 23 November 1999	L 301	3	24.11.1999
►M3	Commission Regulation (EC) No 31/2002 of 9 January 2002	L 6	36	10.1.2002

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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,

(1) Whereas Articles 3 and 8 of the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part, signed on 6 December 1996 [1], provide for the abolition of customs duties applicable to imports into the Community of certain fish and fishery products listed in Protocol 1 attached to the said Agreement;

(2) Whereas the abolition is subject to Community tariff quotas and ceilings and, for some of these products, Community statistical surveillance; whereas the said Community tariff quotas and ceilings in respect of products originating in the Faroe Islands should therefore be opened for the volumes indicated respectively in Annexes I and II to this Regulation and Community statistical surveillance established in respect of the products listed in Annex III thereto;

(3) Whereas the preferential rates of duty indicated in Annexes I, II and III apply only where the free-at-frontier price determined by the Member States in accordance with Article 22 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery products and aquaculture [2] is at least equal to the reference price set, or to be set, by the Community for the products or categories of products concerned;

(4) Whereas, for reasons of simplification, provision should be made to empower the Commission to give effect, following receipt of the opinion of the Customs Code Committee set up by Article 247 of Regulation (EEC) No 2913/92 [3], to necessary amendments and technical adaptations to the Annexes to this Regulation arising from amendments of the combined nomenclature and Taric codes and to adaptations of volume, periods and quota rates arising from decisions by the Council or by the Commission;

(5) Whereas, for the same reasons, provision should be made for this procedure to be applied in cases where the abovementioned Agreement is amended to the extent that the agreed amendments specify the products eligible for tariff quotas or subject to tariff ceilings or to statistical surveillance, quota-volumes, duties and tariff periods, and any eligibility criteria;

(6) Whereas the Agreement provides for tariff quotas, tariff ceilings and statistical surveillance for an indefinite period; whereas, therefore, to make implementation of the measures concerned more efficient and simpler, this Regulation should apply on a multiannual basis;

(7) Whereas equal and continuous access to the quotas in respect of the products likely to benefit from the Community tariff quotas listed in Annex I should be ensured for all Community importers

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[1] OJ No L 53, 22. 2. 1997, p. 2.
[2] OJ No L 388, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EC) No 3318/94 (OJ No L 350, 31. 12. 1994, p. 15).
[3] OJ No L 302, 19. 10. 1992, p. 1.

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and the rates of duty laid down for the quotas should be applied consistently to all imports of the products in question in all Member States until the quotas are exhausted;

(8) Whereas the Community should take the decision to open tariff quotas in the execution of its international obligations; whereas, to ensure the efficiency of a common administration of these quotas, there is no reason why the Member States should not be authorized to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas this method of administration does, however, require close cooperation between the Member States and the Commission, which must be able to monitor the rate at which the quotas are used up and inform the Member States accordingly;

(9) Whereas, in respect of products listed in Annex II and subject to Community tariff ceilings, Community surveillance may be effected by charging imports of these products against the ceilings at Community level as and when the products are presented at customs and declared for free circulation; whereas this method of administering the ceilings should enable customs duties to be restored as soon as the ceilings in question are reached at Community level;

(10) Whereas this method of administering the ceilings calls for close and especially speedy cooperation between the Member States and the Commission, which must be able to monitor the level reached by imports charged against the ceilings and inform the Member States accordingly; whereas this cooperation should be close enough to allow the Commission to take appropriate steps to restore customs duties as soon as one of the ceilings is reached;

(11) Whereas, for the products listed in Annex III, it would seem appropriate to have recourse to the system of statistical surveillance administered by the Commission pursuant to the relevant provisions of Regulations (EC) No 1172/95 [1] and (EEC) No 2658/87 [2];

(12) Whereas Regulation (EC) No 1983/95 [3], which brought into force the measures applicable pursuant to the old agreement, should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December each year, the customs duties applicable to imports into the Community of products listed in ►**M2** the Annex ◄ and originating in the Faroe Islands shall be suspended at the levels and within the limits of the Community tariff quotas specified therein.

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take any appropriate administrative measure to ensure efficient operation.

Article 3

Where an importer enters a product covered by this Regulation for free circulation in a Member State accompanied by:

— a request for preferential treatment, and

— a movement certificate, complying with the rules laid down in the Protocol concerning the definition of the concept of originating

(1) OJ No L 118, 25. 5. 1995, p. 10.
(2) OJ No L 256, 7. 9. 1987, p. 1.
(3) OJ No L 192, 15. 8. 1995, p. 1.

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products and methods of administrative cooperation annexed to Decision 97/126/EC [1],

and his declaration is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission accordingly, draw a quantity from the quota concerned to satisfy the requirement.

Applications for drawings from the quotas shall indicate the date on which the declarations were accepted and shall be sent to the Commission forthwith.

Drawings shall be granted by the Commission on the basis of the date when the declarations for free circulation were accepted by the customs authorities of the Member State concerned, provided the available balance is sufficient.

Where a Member State fails to use the quantities drawn, it shall return them as soon as possible to the relevant quota.

Where the quantities applied for are in excess of the available balance, allocation shall be made in proportion to the requirements. The Member State shall be informed by the Commission of the quantities drawn.

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Article 5

1. The provisions necessary to apply this Regulation, in particular:

(a) any technical amendments and adaptations which may be needed as a a result of changes to the combined nomenclature or Taric codes;

(b) any adaptations needed following a change to the Agreement between the European Community and the Faroe islands, as approved by an act of the Council,

shall be adopted in accordance with the procedure set out in Article 6 (2).

2. The provisions adopted pursuant to paragraph 1 do not authorize the Commission to:

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

— amend the timetables laid down in the Agreements or protocols,

— transfer quantities from one quota to another,

— open and administer quotas resulting form new agreements,

— adopt legislation affecting the administration of quotas subject to import certificates.

Article 6

1. The Commission shall be assisted by the Customs Code Committee.

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 chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority as 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 chairman shall not vote.

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

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[1] OJ No L 53, 22. 2. 1997, p. 1.

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measures which it has adopted for three months from the date of such communication.

The Council, acting by a qualified majority, may take a different decision within the time limit specified in the previous subparagraph.

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

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Article 8

The Commission shall adopt all appropriate measures, in close cooperation with the Member States, to apply this Regulation.

Article 9

Regulation (EC) No 1983/95 shall be repealed.

Article 10

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

It shall apply from 1 January 1997.

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

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ANNEX

FISHERY PRODUCTS SUBJECT TO TARIFF QUOTAS

Order number	CN code	TARIC sub-division	Description	Rate of duty	Quota volume (tonnes)
09.0671	0301		Live fish:		700
			— Other live fish:		
	ex 0301 91 90	*10	— — — Trout of the species *Oncorhynchus mykiss*	0	
	0302		Fish fresh or chilled, excluding fish fillets and othe fish meat of heading No 0304:		
			— Salmonidae, excluding livers and roes:		
	ex 0302 11 90	*10	— — — Trout of the species *Oncorhynclus mykiss*	0	
	0303		Fish, frozen, excluding fish fillets or other fish meat of heading No 0304:		
	ex 0303 21 90	*10	— — — Trout of the species *Oncorhynclus mykiss*	0	
	0304		Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:		
	0304 10		— Fresh or chilled:		
			— — Fillets:		
			— — — Of freshwater fish:		
	ex 0304 10 11	*10	— — — — Trout of the species *Oncorhynclus mykiss*	0	
	0304 20		— Frozen fillets:		
			— — Of freshwater fish:		
	ex 0304 20 11	*10	— — — — Trout of the species *Oncorhynclus mykiss*	0	
	0304 90		— Other:		
	ex 0304 90 10		— — — Of freshwater fish:		
		*11	— — — — Trout of the species *Oncorhynclus mykiss*	0	
09.0675	1604		Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:		400
			— Fish, whole or in pieces, but not minced:		
	ex 1604 11 00		— — Salmon:		
		*30	— — — Atlantic salmon (*Salmo salar*)	0	

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Order number	CN code	TARIC sub-division	Description	Rate of duty	Quota volume (tonnes)
	1604 19		— — Other		
	ex 1604 19 10		— — — Salmonidae, other than salmon:		
		*10	— — — — Trout of the species *Oncorhynclus mykiss*	0	
	1604 20		— Other prepared or preserved fish:		
	ex 1604 20 10		— — — Salmon:		
		*30	— — — — Atlantic salmon (*Salmo salar*)	0	
	ex 1604 20 30		— — — Salmonidae, other than salmon:		
		*10	— — — — Trout of the species *Oncorhynclus mykiss*	0	
09.0681	1604		Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:		1 200
			— Fish, whole or in pieces, but not minced:		
	1604 19 92		— — — — — Cod (*Gadus morhua, Gadus ogac, Gadus macrocephalus*)	0	
	1604 19 93		— — — — — Coalfish (*Pollachius virens*)	0	
	1604 19 94		— — — — — Hake (*Merluccius* spp. *Urophycis* spp.)	0	
	1604 19 95		— — — — — Alaska pollack (*Theragra chalcogramma*) and Pollach (*Pollachius pollachius*)	0	
	1604 19 98		— — — — — Other	0	
	1604 20		— Other prepared or preserved fish:		
	1604 20 05		— — Preparations of surimi:	0	
	ex 1604 20 90		— — — Of other fish:		
		*20	— — — — Preserved smoked coalfish	0	
			— — — — Brisling or sprats (*Sprattus sprattus*):		
		*30	— — — — — In airtight cans [1]	0	
		*35	— — — — — Other	0	
		*40	— — — — Of mackerel (*Scomber australasicus*)	0	
		*50	— — — — Lamprey	0	
		*90	— — — — Other	0	

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Order number	CN code	TARIC sub-division	Description	Rate of duty	Quota volume (tonnes)
09.0679	1605		Crustaceans, molluscs, and other aquatic invertebrates, prepared or preserved:		►M3 3 000 ◄
	1605 20		— Shrimps and prawns:		
	1605 20 10		— — In airtight containers	0	
			— — Other:		
	1605 20 91		— — — In immediate packings of a net content not exceeding 2 kg	0	
	1605 20 99		— — — Other	0	
	ex 1605 40 00		— Other crustaceans:		
		*20	— — *Nephrops norvegicus*	0	

([1]) 'Airtight cans' means cans which are soldered or bonded in such a manner that neither air nor germs can penetrate and which cannot be opened without sustaining damage.