COMMISSION REGULATION (EC) No 1034/98

of 18 May 1998

amending Council Regulation (EC) No 669/97 opening and providing for the administration of Community tariff quotas and ceilings and establishing Community surveillance for certain fish and fishery products originating in the Faroe Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 669/97 of 14 April 1997 opening and providing for the administration of Community tariff quotas and ceilings, establishing Community surveillance 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 [1], and in particular Articles 5 and 6 thereof,

Whereas Article 36 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 [2], provides for the possible abolition of customs duties applicable to imports into the Community of certain fish and fishery products listed in Protocol 1 to the said Agreement;

Whereas Decision No 1/98 of the EC/Denmark-Faroe Islands Joint Committee [3] extends Community tariff concessions to certain fishery products;

Whereas abolition is subject to Community tariff quotas and ceilings; whereas quotas should therefore be opened and the Community tariff ceiling amended for the products originating in the Faroe Islands indicated respectively in Annexes I and II to this Regulation;

Whereas the preferential rates of duty 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 organisation of the market in fishery and aquaculture products [4], as last amended by Regulation (EC) No 3318/94 [5], is at least equal to the reference price set, or to be set, by the Community for the products or categories of products concerned;

Whereas this Regulation introduces changes made necessary by an amendment to the EC/Denmark-Faroe Islands Agreement in the form of an exchange of letters;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

1. The tariff quotas in Annex I to this Regulation under order numbers 09.0685 and 09.0687 shall be added to Annex I to Regulation (EC) No 669/97.

2. The tariff ceiling in Annex II to this Regulation shall replace that for order number 17.0029 in Annex II to Regulation (EC) No 669/97.

Article 2

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

It shall apply with effect from 1 May 1998.

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

Done at Brussels, 18 May 1998.

For the Commission

Mario MONTI

Member of the Commission

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[1] OJ L 101, 18. 4. 1997, p. 1.
[2] OJ L 53, 22. 2. 1997, p. 2.
[3] OJ L 90, 25. 3. 1998, p. 40.
[4] OJ L 388, 31. 12. 1992, p. 1.
[5] OJ L 350, 31. 12. 1994, p. 15.

ANNEX I

Fishery products subject to tariff quotas

Order No	CN code	TARIC subdivision	Description of goods	Rate of duty	Quota volume (tonnes) (1)
09.0685	0306		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:		50
			– Frozen:		
	0306 14		– – Crabs:		
	ex 0306 14 90		– – – Other:		
		*10	– – – – Red crabs (*Geryon* spp.)	0	
			– Not frozen:		
	0306 24		– – Crabs:		
	ex 0306 24 90		– – – Other:		
		*10	– – – – Red crabs (*Geryon* spp.)	0	
09.0687	0307		Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; acquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine; flours, meals and pellets of acquatic invertebrates other than crustaceans, fit for human consumption:		50
			– Mussels *(Mytilus* spp., *Perna* spp.):		
	0307 31		– – Live, fresh or chilled:		
	0307 31 10		– – – *Mytilus* spp.	0	
	0307 39		– – Other:		
	0307 39 10		– – – *Mytilus* spp.	0	

(1) Depending on the date of application of this Regulation, the quota volumes for the 1998 calendar year shall be calculated *pro rata temporis.*

ANNEX II

Fishery products subject to Community tariff ceilings

Order No	CN code	TARIC Subdivision	Description of goods	Rate of duty	Volume (tonnes)
17.0029	0305		Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption:		1 400
			– Dried fish, whether or not salted but not smoked:		
	0305 59		– – Other:		
	ex 0305 59 90		– – – Other:		
		*10	– – – – Of ling *(Molva molva)*	0	
		*20	– – – – Of bleu ling *(Molva dipterygia dipterygia)*	0	
		*30	– – – – Of tusk *(Brosme brosme)*	0	
			– Fish, salted but not dried or smoked and fish in brine:		
	0305 69 90		– – – Other	0	