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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 745/1999

of 30 March 1999

opening and providing for the administration of autonomous Community tariff quotas for certain fishery products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas Community supplies of certain fishery products currently depend on imports from third countries; whereas it is in the Community's interest to suspend in part or in whole the customs duties for the products in question, within Community tariff quotas of an appropriate volume; whereas, in order not to jeopardise the development prospects of this production in the Community and to ensure an adequate supply to satisfy user industries, it is advisable to open those quotas, applying customs duties varied accordingly to sensitivity of the different products on the Community market;

Whereas it is necessary, in particular, to ensure that all Community importers have equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas it is for the Community to decide on the opening of autonomous tariff quotas; whereas, to ensure the efficiency of a common administration of these quotas, there is no reasonable obstacle to authorising 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 Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code [1] codified the management rules for tariff quotas designed to be used following the chronological order of dates of customs declarations,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import duties on the products listed in the Annex shall be suspended at the indicated duty rate for the periods and in the amounts indicated therein.

2. Imports of the products in question shall not be covered by the quotas referred to in paragraph 1 unless the free-at-frontier price, which is determined 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 [2], is at least equal to the reference price fixed, or to be fixed, by the Community for the products under consideration of the categories of the products concerned.

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

Article 3

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

Article 4

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

It shall apply from 1 April 1999.

[1] OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 46/1999 (OJ L 10, 15.1.1999, p. 1).
[2] OJ L 388, 31.12.1992, p. 1. Regulation as last amended by Regulation (EC) No 3318/94 (OJ L 350, 31.12.1994, p. 15).

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

Done at Brussels, 30 March 1999.

For the Council
The President
K.-H. FUNKE

ANNEX

Order No	CN code	TARIC code	Description	Amount of quota (in tonnes)	Quota duty (%)	Quota period
09.2753	ex 0302 50 10 ex 0302 50 90 ex 0302 69 35 ex 0303 60 11 ex 0303 60 19 ex 0303 60 90 ex 0303 79 41	*20 *10 *10 *10 *10 *10 *10	Cod *(Gadus morhua, Gadus ogac, Gadus macrocephalus*) and fish of the species *Boreogadus saida,* excluding livers and roes, presented fresh, chilled or frozen, for processing (a) (b)	67 000	3	1.4 to 31.12.1999
09.2756	ex 0303 60 11 ex 0303 60 19 ex 0303 60 90 ex 0303 79 41	*10 *10 *10 *10	Cod *(Gadus morhua, Gadus ogac, Gadus macrocephalus*) and fish of the species *Boreogadus saida,* excluding livers and roes, frozen, for processing (a) (c)	8 000	2,5	1.4 to 31.12.1999
09.2758	ex 0302 70 00	*20	Cod livers *(Gadus morhua, Gadus ogac, Gadus macrocephalus*) and fish liver of the species *Boreogadus saida,* fresh or chilled, for processing (a) (b)	300	0	1.4 to 31.12.1999
09.2765	ex 0305 62 00 ex 0305 69 10	*20 *25 *29 *10	Cod *(Gadus morhua, Gadus ogac, Gadus macrocephalus*) and fish of the species *Boreogadus saida,* salted or in brine, but not dried or smoked, for processing (a) (b)	8 000	2,5	1.4 to 31.12.1999
09.2773	ex 0306 13 10 ex 0306 23 10	*10 *11 *91	Shrimps and prawns of the species *Pandalus borealis,* in shell, fresh, chilled or frozen, for processing (a) (b)	12 000	0	1.4.1999 to 31.3.2000
09.2779	ex 0304 90 05	*10	Surimi, frozen, for processing (a) (b)	15 000	3,5	1.4 to 31.12.1999
09.2780	ex 0304 20 91 ex 0304 90 97	*10 *60	Frozen blue grenadier fillets *(Macruronus novaezealandiae),* and other frozen meat of blue grenadier, for processing (a) (b)	20 000	3,5	1.4 to 31.12.1999
09.2785	ex 0307 49 59 ex 0307 99 11	*10 *10	Tubes of squid *(Ommastrephes* spp. — excluding *Ommastrephes sagittatus —, Nototodarus* spp., *Sepioteuthis* spp. and *Illex* spp., frozen, for processing (a) (b)	11 000	3,5	1.4 to 31.12.1999
09.2786	ex 0307 49 59 ex 0307 99 11	*20 *20	Squid *(Ommastrephes* spp. — excluding *Ommastrephes sagittatus —, Nototodarus* spp., *Sepioteuthis* spp.) and *Illex* spp. frozen whole, tentacles and fins, for processing (a) (b)	500	3	1.4 to 31.12.1999
09.2788	ex 0302 40 98 ex 0303 50 98 ex 0304 10 38 ex 0304 10 96 ex 0304 20 75 ex 0304 90 27	*10 *10 *30 *10 *10 *10	Herrings *(Clupea harengus, Clupea pallasii),* whole, (3 to 7 pieces/kg) or fillets (6 to 12 pieces/kg) including flaps, exluding livers and roes, fresh, chilled or frozen, for processing (a) (b)	20 000	0	1.11 to 31.12.1999

Order No	CN code	TARIC code	Description	Amount of quota (in tonnes)	Quota duty (%)	Quota period
09.2790	ex 1604 14 16 ex 1604 14 16	*20 *95	Fillets known as 'loins' of tunas and skipjack, for processing (a) (b)	1 200	6	1.4 to 31.12.1999
09.2792	ex 1604 12 99	*10	Herrings, spiced/vinegar cured, in brine, preserved in barrels of at least 70 kg net drained weight for processing (a) (b)	4 000	6	1.4 to 31.12.1999
09.2794	ex 1605 20 99	*45	Shrimps and prawns of the species *Pandalus borealis;* cooked and peeled for processing (a) (b)	4 000	6	1.4 to 31.12.1999

(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

(b) This quota is available for products intended to undergo any operation, unless it is solely for one or more of the following operations:
- — cleaning, gutting, tailing, heading,
- — cutting (excluding dicing, filleting, production of flaps or cutting of frozen blocks),
- — sampling, sorting,
- — labelling,
- — packing,
- — chilling,
- — freezing,
- — deep freezing,
- — thawing, separation.

The quota is not available for products intended, in addition, to undergo treatment (or operations) which gives quota entitlement, where such treatment (or operations) is (are) carried out at retail or catering level. The reduction of customs duties shall apply only to fish intended for human consumption.

(c) The quota is available for products destined exclusively for salting and drying.