

This document is meant purely as a documentation tool and the institutions do not assume any liability for its contents

► **B**

**COUNCIL REGULATION (EC) No 499/96**

**of 19 March 1996**

**opening and providing for the administration of Community tariff quotas for certain fishery products and live horses originating in Iceland**

(OJ L 75, 23.3.1996, p. 8)

Amended by:

		Official Journal		
		No	page	date
► <b><u>M1</u></b>	Council Regulation (EC) No 1921/2004 of 25 October 2004	L 331	5	5.11.2004
► <b><u>M2</u></b>	Commission Regulation (EC) No 1314/2007 of 8 November 2007	L 291	13	9.11.2007

**COUNCIL REGULATION (EC) No 499/96****of 19 March 1996****opening and providing for the administration of Community tariff quotas for certain fishery products and live horses originating in Iceland**

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 an Agreement was concluded between the European Economic Community and the Republic of Iceland <sup>(1)</sup>;

Whereas, following the accession of Austria, Finland and Sweden, the abovementioned Agreement should be adjusted to take into account, in particular, the existing trade arrangements for fishery products between Austria, Finland and Sweden, of the one part, and Iceland, of the other part;

Whereas to that end an Additional Protocol to the above Agreement, approved by Decision 96/147/EC <sup>(2)</sup> as well as an Agreement in the form of an Exchange of Letters approved by Decision 95/582/EC <sup>(3)</sup> have been concluded between the Community and Iceland; whereas by virtue of those instruments the Community has undertaken to open, subject to certain conditions, from 1 January to 31 December each year Community tariff quotas at zero duty for a number of products originating in Iceland;

Whereas the tariff quotas in question relate to an indefinite period and accordingly, for reasons of efficiency and in order to simplify implementation of the measures concerned, it appears appropriate to provide for the application of this Regulation to be placed on a multiannual footing;

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, to necessary amendments and technical adaptations of this Regulation arising from amendments to the combined nomenclature and Taric codes, extensions of tariff measures, necessary adaptations following the conclusion of protocols or exchanges of letters, amendments to this Regulation for the implementation of any other instrument in the framework of the abovementioned Agreement as well as adaptations of volume, periods and quota rates arising from decisions by the Council;

Whereas all Community importers should be ensured equal and continuous access to the said quota and the duty rate laid down for the quota should be applied without interruption to all imports of the product in question into all Member States until the quota is exhausted, during the whole period of the validity of the agreements with Iceland;

Whereas the decision for the opening, in execution of its international obligations, of tariff quotas should be taken by the Community; 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 requires close cooperation between the Member States and the

<sup>(1)</sup> OJ No L 301, 31. 12. 1972, p. 2.

<sup>(2)</sup> OJ No L 34, 13. 2. 1996, p. 33.

<sup>(3)</sup> OJ No L 327, 30. 12. 1995, p. 17.

**▼B**

Commission and the latter must in particular be able to monitor the rate at which the quotas are being used up and inform the Member States accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 January to 31 December of each year, the customs duties applicable to imports of the products originating in Iceland referred to in this Regulation shall be suspended within the limit of the Community tariff quotas shown for each product.

2. Imports of fishery products shall not qualify for the tariff quotas unless the free-at-frontier price laid down in Article 22 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products <sup>(1)</sup> is at least equal to any reference price which has been fixed by the Community for the products or categories of products in question.

3. The provisions of Protocol 3 of the Agreement between the European Economic Community and the Republic of Iceland defining the concept of originating products and setting out the arrangements for administrative cooperation, as last amended by Decision No 1/94 of the EC-Iceland Joint Committee <sup>(2)</sup>, shall apply.

**▼M1**

4. The benefit of the tariff quota with order number 09.0792 shall not be granted for goods declared for release for free circulation during the period 15 February to 15 June.

**▼M2***Article 2*

The tariff quotas set out in this Regulation shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

However, Article 308c(2) and (3) of Regulation (EEC) No 2454/93 shall not apply to the tariff quotas with order numbers 09.0810 and 09.0811.

*Article 3*

Where the tariff quota with order No 09.0810 for CN code 0306 19 30 for frozen Norway lobsters will not be fully exhausted by the end of 2007, the remaining volume shall be carried over to the corresponding tariff quota for 2008.

For this purpose drawings on the tariff quota for 2007 shall be stopped on the second working day in the Commission following 1 April 2008. On the following working day, the unused balance of the tariff quota for 2007 shall be made available under the corresponding tariff quota for 2008.

From that date onwards no retroactive drawings and no returns shall be possible on the particular tariff quota for 2007.

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ No L 204, 6. 8. 1994, p. 62.

**▼B***Article 4*

Each Member State shall guarantee importers of the products in question equal and continuous access to the quotas as long as the balance of the corresponding quota volume allows.

*Article 5*

1. The provisions necessary for the application of this Regulation, in particular:

- (a) the amendments and technical adaptations, in so far as necessary, arising from amendments of the combined nomenclature and Taric codes;
- (b) the necessary adaptations resulting from the conclusion by the Council of protocols or Exchanges of Letters between the Community and Iceland in the framework of the Agreement referred to in this Regulation;
- (c) the prorogation of tariff measures conforming to the provisions contained in the Agreement referred to in this Regulation;
- (d) the necessary adaptations of volumes, periods and quota duty arising from decisions adopted by the Council; and
- (e) the amendments to this Regulation necessary for the putting into practice of any other act within the framework of the Agreement referred to in this Regulation

shall be adopted in accordance with the procedure laid down in Article 6 (2).

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

- carry over a balance of preferential quantities from one quota period to another,
- modify the timetable laid out in the agreements or protocols,
- transfer quantities from one quota to another,
- open and manage quotas resulting from new agreements,
- adopt legislation effecting the management of quotas which are the subject of certificates of importation.

*Article 6*

1. The Commission shall be assisted by the Customs Code Committee set up by Article 247 of Regulation (EEC) No 2913/92 <sup>(1)</sup>.

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 a 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 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 the measures, which shall apply immediately. However, if these measures are not in accordance with the

<sup>(1)</sup> OJ No L 302, 19. 10. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

**▼B**

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 first paragraph.

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

*Article 7*

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

*Article 8*

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

It shall apply from 1 January 1995.

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

▼B

## ANNEX

Order No	CN code	Taric code	Description	Amount of quotas (in t)	Quota duty ( %)
09.0791	0101 19 10	—	Live horses	100 head	0
	0101 19 90	—			
▼ <u>M1</u> 09.0792	ex 0303 50 00	0303 50 00 20	Herrings of the species <i>Clupea harengus</i> or <i>Clupea pallasii</i> , frozen, excluding livers and roes, for industrial manufacture <sup>(a)</sup> (1)	950	0
▼ <u>B</u> 09.0793	0302 12 00	—	Salmon, fresh or chilled	50	0
	0304 10 13	—	Salmon fillets, fresh or chilled		
	0304 20 13	—	Frozen salmon fillets		
09.0794	0302 23 00	—	Sole, fresh or chilled	250	0
	0302 29	—	Megrim and other flat fish, fresh or chilled		
	0302 69 85	—	Blue whiting, fresh or chilled		
	0303 32 00	—	Frozen plaice		
	0303 79 96	—	Other frozen fish		
	0304 10 19	—	Coalfish fillets, chilled or frozen		
	0304 10 33	—	Fish of coalfish, fresh or chilled		
	0304 10 35	—	Redfish fillets, fresh or chilled		
	ex 0304 10 38	03041038	Other fish fillets, other than herring and mackerel, fresh or chilled		
		*10			
		*20			
		*50			
		*90			
	0304 10 98	—	Other fish meat, fresh or chilled		
	0304 20 19	—	Frozen fillets of other freshwater fish		
	0304 90 35	—	Frozen cod meat of the species <i>Gadus macrocephalus</i>		
	0304 90 38	—	Frozen cod meat of the species <i>Gadus morhua</i>		
	0304 90 39	—	Frozen cod meat of the species <i>Gadus ogac</i> and frozen fish meat of the species <i>Boreogadus saida</i>		
	0304 90 41	—	Frozen coalfish meat		
	0304 90 47	—	Frozen hake meat of the genus <i>Merluccius</i>		
0304 90 59	—	Frozen blue whiting meat			
ex 0304 90 97	03049097	Other frozen fish meat, except mackerel			
	*31				
	*39				
	*50				
	*60				
	*70				
	*80				
	*90				

▼ B

Order No	CN code	Taric code	Description	Amount of quotas (in t)	Quota duty (%)
09.0795	0305 61 00	—	Herring, salted but not dried or smoked, and herring in brine	1 750	0
09.0796	0306 19 30	—	Frozen Norway lobsters ( <i>Nephrops norvegicus</i> )	50	0
09.0797	1604 12 91	—	Other prepared or preserved herring, in hermitically sealed containers	2 400	0
	1604 12 99	—	Other prepared or preserved herring, other		
09.0798	1604 19 98	—	Other prepared or preserved fish, whole or in pieces	50	0
	ex 1604 20 90	16042090 *20/80 *30/80 *35/80 *50/80 *90/80	Other prepared or preserved fish meat, except herring and mackerel		

▼ M2

09.0810	0306 19 30	—	Frozen Norway lobsters ( <i>Nephrops norvegicus</i> )	From 1.9. to 31.12.2007:	0
				520 tonnes	
				From 1.1. to 31.12.2008:	0
				520 tonnes	
				From 1.1. to 30.4.2009:	0
				174 tonnes	
09.0811	0304 19 35	—	Fillets of redfish ( <i>Sebastes</i> spp.), fresh or chilled	From 1.9. to 31.12.2007:	0
				750 tonnes	
				From 1.1. to 31.12.2008:	0
				750 tonnes	
				From 1.1. to 30.4.2009:	0
				250 tonnes	

▼ M1

(\*) Entry under this subheading is subject to the conditions laid down in the relevant Community provisions (see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1)).

(†) The benefit of the tariff quota shall not be granted for goods declared for release for free circulation during the period from 15 February to 15 June.