



Brussels, 9.11.2012  
COM(2012) 638 final

2012/0301 (NLE)

Proposal for a

**COUNCIL REGULATION**

**amending Regulation (EU) No 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products**

## EXPLANATORY MEMORANDUM

### **1. CONTEXT OF THE PROPOSAL**

Autonomous tariff quotas of the Union are needed for products where production in the Union is insufficient to meet the needs of the user industry in the Union for the current quota period. In response to requests from several Member States, the Commission, together with the government experts concerned, considered whether to open autonomous tariff quotas for certain agricultural and industrial products.

On 22 December 2009 the Council adopted Regulation (EU) No 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products so that Union demand for the products in question could be met under the most favourable conditions.

Tariff quotas of the Union should be opened at zero or reduced rates of the autonomous Common Customs Tariff duty for appropriate volumes, without disturbing the markets for such products. Discussions at meetings of the Economic Tariff Questions Group showed that the Member States were ready to open quotas for the products covered by the proposal for a Regulation, without disturbing the markets for such products

The proposal is in line with agricultural, trade, enterprise, development and external relations policies. Especially this proposal is not at the expense of countries enjoying a preferential trading agreement with the EU (e.g. GSP, ACP regime, candidate countries and potential candidates).

### **2. RESULTS OF CONSULTATIONS OF THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

The Economic Tariff Questions Group representing the industries of each Member State was consulted. All listed quotas reflect the agreement reached by the Group.

There was no mention of potentially serious risks with irreversible consequences.

This proposal will follow an inter service consultation procedure and will be published after its adoption by the Council.

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

Amendment of a Council Regulation opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products on the legal basis of Article 31 of the Treaty on the Functioning of the European Union. By virtue of that Article autonomous tariff quotas are fixed by the Council acting on a qualified majority on the basis of a Commission proposal.

The proposal falls under the exclusive competence of the Union. The subsidiary principle therefore does not apply.

This set of measures is in line with the principles for simplifying the procedures for the operators engaged in foreign trade and with the Commission communication of 2011 concerning autonomous tariff suspensions and quotas (C 363, 13.12.2011, p.6).

#### **4. BUDGETARY IMPLICATION**

Uncollected customs duties with a total amount of €- 750 000.

Proposal for a

## **COUNCIL REGULATION**

**amending Regulation (EU) No 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission<sup>1</sup>,

Whereas:

- (1) In order to ensure sufficient and uninterrupted supplies of certain goods insufficiently produced in the Union and to avoid any disturbances on the market for certain agricultural and industrial products, autonomous tariff quotas have been opened by Council Regulation (EU) No 7/2010<sup>2</sup>. Products within those tariff quotas can be imported at reduced or zero duty rates. For the same reasons it is necessary to open, with effect from 1 January 2013, new tariff quotas at a zero duty rate for an appropriate volume for the products with order numbers 09.2658, 09.2659, 09.2660 and 09.2661.
- (2) The quota volumes for the autonomous tariff quota with the order numbers 09.2628, 09.2634 and 09.2929 are insufficient to meet the needs of the industry of the Union for the current quota period ending at 31 December 2012. Consequently, those quota volumes should be increased with effect from 1 July 2012. However, the increase of the quota volumes for the autonomous tariff quota with order number 09.2634 will not be continued beyond 31 December 2012.
- (3) The quota volume for autonomous tariff quotas with the order numbers 09.2603 shall be replaced by the volume shown in the Annex to this regulation.
- (4) It is no longer in the interest of the Union to continue to grant tariff quotas in 2013 for products with order numbers 09.2615, 09.2636, 09.2640, 09.2813 and 09.2986. Those quotas should therefore be closed with effect from 1 January 2013 and the corresponding products should be deleted from the Annex to Regulation (EU) No 7/2010.
- (5) In view of the many changes to be made, the Annex to Regulation (EU) No 7/2010 should be replaced in its entirety in the interest of clarity.

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ L 3, 7.1.2010, p.1.

- (6) Regulation (EU) No 7/2010 should therefore be amended accordingly.
- (7) Since the tariff quotas have to take effect from 1 January 2013, this Regulation should apply from the same date and enter into force immediately,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EU) No 7/2010 is replaced by the text set out in the Annex to this Regulation.

*Article 2*

With effect from 1 January 2013 new tariff quotas with order numbers 09.2658, 09.2659, 09.2660 and 09.2661 are added in the Annex to Regulation (EU) No 7/2010.

*Article 3*

With effect from 1 July 2012, in the Annex to Regulation (EU) No 7/2010:

— the quota volume for the autonomous tariff quota with order number 09.2628 is fixed at 3 000 000 m<sup>2</sup>,

— the quota volume for the autonomous tariff quota with order number 09.2634 is fixed at 8 000 tonnes for the period until 31 December 2012,

— the quota volume for the autonomous tariff quota with order number 09.2929 is fixed at 10 000 tonnes.

*Article 4*

With effect from 31 December 2012 tariff quotas for products with order numbers 09.2615, 09.2636, 09.2640, 09.2813 and 09.2986 are deleted from the Annex to Regulation (EU) No 7/2010.

*Article 5*

With effect from 1 January 2013, in the Annex to Regulation (EU) No 7/2010:

— the quota volume for the autonomous tariff quota with order number 09.2603 is fixed at 9 000 tonnes,

*Article 6*

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

It shall apply from 1 January 2013, except for Article 3 which shall apply from 1 July 2012.

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

Done at Brussels,

*For the Council*  
*The President*

## ANNEX

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2849	ex 0710 80 69	10	Mushrooms of the species <i>Auricularia polytricha</i> (uncooked or cooked by steaming or boiling), frozen, for the manufacture of prepared meals (1)(2)	1.1.-31.12.	700 tonnes	0 %
09.2913	ex 2401 10 35 ex 2401 10 70 ex 2401 10 95 ex 2401 10 95 ex 2401 10 95 ex 2401 20 35 ex 2401 20 70 ex 2401 20 95 ex 2401 20 95 ex 2401 20 95	91 10 11 21 91 91 10 11 21 91	Natural unmanufactured tobacco, whether or not cut in regular size, having a custom value of not less than Euro 450 per 100 kg net weight, for use as binder or wrapper for the manufacture of goods falling within subheading 2402 10 00 (1)	1.1.-31.12.	6 000 tonnes	0 %
09.2928	ex 2811 22 00	40	Silica filler in the form of granules, with a purity by weight of 97 % or more of silicon dioxide	1.1-31.12	1 700 tonnes	0 %
09.2703	ex 2825 30 00	10	Vanadium oxides and hydroxides exclusively for use in alloys (1)	1.1.-31.12.	13 000 tonnes	0 %
09.2806	ex 2825 90 40	30	Tungsten trioxide, including blue tungsten oxide (CAS RN 1314-35-8 + 39318-18-8)	1.1.-31.12.	12 000 tonnes	0 %
09.2929	2903 22 00		Trichloroethylene (CAS RN 79-01-6)	1.1-31.12	10 000 tonnes	0 %
09.2837	ex 2903 79 90	10	Bromochloromethane (CAS RN 74-97-5)	1.1.-31.12.	600 tonnes	0 %
09.2933	ex 2903 99 90	30	1,3-Dichlorobenzene (CAS RN 541-73-1)	1.1.-31.12.	2 600 tonnes	0 %
09.2950	ex 2905 59 98	10	2-Chloroethanol, for the manufacture of liquid thioplasts of subheading 4002 99 90, (CAS RN 107-07-3) (1)	1.1.-31.12.	15 000 tonnes	0 %
09.2851	ex 2907 12 00	10	O-Cresol having a purity of not less than 98.5 % by weight (CAS RN 95-48-7)	1.1.-31.12.	20 000 tonnes	0 %
09.2624	2912 42 00		Ethylvanillin (3-ethoxy-4-hydroxybenzaldehyde), (CAS RN 121-32-4)	1.1.-31.12.	950 tonnes	0 %
09.2638	ex 2915 21 00	10	Acetic acid of a purity by weight of 99 % or more (CAS RN 64-19-7)	1.1.-31.12.	1 000 000 tonnes	0 %
09.2972	2915 24 00		Acetic anhydride (CAS RN 108-24-7)	1.1.-31.12.	20 000 tonnes	0 %
09.2769	ex 2917 13 90	10	Dimethyl sebacate (CAS RN 106-79-6)	1.1.-31.12.	1 300 tonnes	0 %
09.2634	ex 2917 19 90	40	Dodecanedioic acid, of a purity by weight of more than 98,5 % (CAS RN 693-23-2)	1.1-31.12	4 600 tonnes	0 %
09.2808	ex 2918 22 00	10	<i>o</i> -Acetylsalicylic acid (CAS RN 50-78-2)	1.1.-31.12.	120 tonnes	0 %
09.2975	ex 2918 30 00	10	Benzophenone-3,3',4,4'-tetracarboxylic dianhydride (CAS RN 2421-28-5)	1.1.-31.12.	1 000 tonnes	0 %
09.2632	ex 2921 22 00	10	Hexamethylenediamine (CAS RN 124-09-4)	1.1.-31.12.	40 000	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2602	ex 2921 51 19	10	o-Phenylenediamine (CAS RN 95-54-5)	1.1.-31.12.	tonnes 1 800 tonnes	0 %
09.2977	2926 10 00		Acrylonitrile (CAS RN 107-13-1)	1.1.-31.12.	75 000 tonnes	0 %
09.2917	ex 2930 90 13	90	Cystine (CAS RN 56-89-3)	1.1.-31.12.	600 tonnes	0 %
09.2603	ex 2930 90 99	79	Bis(3-triethoxysilylpropyl)tetrasulphide (CAS RN 40372-72-3)	1.1-31.12	9 000 tonnes	0 %
09.2810	2932 11 00		Tetrahydrofuran (CAS RN 109-99-9)	1.1.-31.12.	20 000 tonnes	0 %
09.2955	ex 2932 19 00	60	Flurtamone (ISO) (CAS RN 96525-23-4)	1.1.-31.12.	300 tonnes	0 %
09.2812	ex 2932 20 90	77	Hexan-6-olide (CAS RN 502-44-3)	1.1.-31.12.	4 000 tonnes	0 %
09.2658	ex 2933 99 80	73	5-(Acetoacetyl amino)benzimidazolone (CAS RN 26576-46-5)	1.1-31.12	200 tonnes	0 %
09.2945	ex 2940 00 00	20	D-Xylose (CAS RN 58-86-6)	1.1.-31.12.	400 tonnes	0 %
09.2659	ex 3802 90 00	19	Soda flux calcinated diatomaceous earth	1.1-31.12	30 000 tonnes	0 %
09.2908	ex 3804 00 00	10	Sodium lignosulphonate	1.1.-31.12.	40 000 tonnes	0 %
09.2889	3805 10 90		Sulphate turpentine	1.1.-31.12.	25 000 tonnes	0 %
09.2935	ex 3806 10 00	10	Rosin and resin acids obtained from fresh oleoresins	1.1.-31.12.	280 000 tonnes	0 %
09.2814	ex 3815 90 90	76	Catalyst consisting of titanium dioxide and tungsten trioxide	1.1.-31.12.	3 000 tonnes	0 %
09.2829	ex 3824 90 97	19	Solid extract of the residual, insoluble in aliphatic solvents, obtained during the extraction of rosin from wood, having the following characteristics: — a resin acid content not exceeding 30 % by weight, — an acid number not exceeding 110 and — a melting point of 100° C or more	1.1.-31.12.	1 600 tonnes	0 %
09.2907	ex 3824 90 97	86	Mixture of phytosterols, in the form of powder, containing by weight: — 75 % or more of sterols, — not more than 25 % of stanols for use in the manufacture of stanols/sterols or stanol/sterol esters (1)	1.1.-31.12.	2 500 tonnes	0 %
09.2644	ex 3824 90 97	96	Preparation containing by weight: — 55 % or more but not more than 78 % of dimethyl glutarate — 10 % or more but not more than 28 % of dimethyl adipate and — not more than 25 % of dimethyl succinate	1.1-30.06.2013	7 500 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2140	ex 3824 90 97	98	Mixture of tertiary amines containing by weight: — 2.0-4.0 % of N,N-dimethyl-1-octanamine — 94 % minimum of N,N-dimethyl-1-decanamine — 2 % maximum of N,N-dimethyl-1-dodecanamine	1.1.-31.12.	4 500 tonnes	0 %
09.2660	ex 3902 30 00	96	Propylene-ethylene copolymer, with a melt viscosity of not more than 1700 mPa at 190°C, as determined by ASTM D 3236 method	1.1-31.12	500 tonnes	0 %
09.2639	3905 30 00		Poly(vinyl alcohol), whether or not containing unhydrolysed acetate groups	1.1.-31.12.	18 000 tonnes	0 %
09.2616	ex 3910 00 00	30	Polydimethylsiloxane with a degree of polymerisation of 2800 monomer units ( $\pm 100$ )	1.1.-31.12.	1 300 tonnes	0 %
09.2816	ex 3912 11 00	20	Cellulose acetate flakes	1.1.-31.12.	75 000 tonnes	0 %
09.2641	ex 3913 90 00	87	Sodium hyaluronate, non sterile, with: — a weight average molecular weight ( $M_w$ ) of not more than 900 000, — an endotoxin level of not more than 0,008 Endotoxin units (EU)/mg, — an ethanol content of not more than 1 % by weight, — an isopropanol content of not more than 0,5 % by weight	1.1.-31.12.	200 kg	0 %
09.2661	ex 3920 51 00	50	Sheets of polymethylmethacrylate conforming to standard — EN 4364 (MIL-P-5425E) and DTD5592A, or — EN 4365 (MIL-P-8184) and DTD5592A	1.1-31.12	100 tonnes	0 %
09.2645	ex 3921 14 00	20	Cellular block of regenerated cellulose, impregnated with water containing magnesium chloride and quaternary ammonium compounds, 100 cm ( $\pm 10$ cm) x 100 cm ( $\pm 10$ cm) x 40 cm ( $\pm 5$ cm)	1.1-31.12	1 300 tonnes	0 %
09.2818	ex 6902 90 00	10	Refractory bricks with — an edge length of more than 300 mm and — a $TiO_2$ content of not more than 1 % by weight and — a $Al_2O_3$ content of not more than 0.4 % by weight and — a change in volume of less than 9 % at 1700° C	1.1.-31.12.	75 tonnes	0 %
09.2628	ex 7019 52 00	10	Glass web woven from glass fibre coated in plastic, of a weight of 120 g/m <sup>2</sup> ( $\pm 10$ g/m <sup>2</sup> ), of a type used in rolling insect screens with fixed frames	1.1.-31.12.	3 000 000 m <sup>2</sup>	0 %
09.2799	ex 7202 49 90	10	Ferro-chromium containing 1.5 % or more but not more than 4 % by weight of carbon and not more than 70 % of chromium	1.1.-31.12.	50 000 tonnes	0 %
09.2629	ex 7616 99 90	85	Aluminium telescopic handle for use in the manufacture of luggage (1)	1.1.-31.12.	800 000 units	0 %
09.2763	ex 8501 40 80	30	Electric AC commutator motor, single-phase, with an output of more than 750 W, an input power of more than 1 600 W but not more than 2 700 W, an external diameter of more than 120 mm ( $\pm 0,2$ mm) but not more than 135 mm ( $\pm 0,2$ mm), a rated speed of more than 30 000 rpm but not more than 50 000 rpm, equipped with air-inducting ventilator, for use in the manufacture of vacuum cleaners (1)	1.1.-31.12.	2 000 000 units	0 %
09.2642	ex 8501 40 80	40	Assembly, consisting of — a single-phase electric AC commutator motor, with an output of 480 W or more, but not more than 1 400 W, an input power of more than 900 W but not more than 1 600 W, an external diameter of more than 119,8 mm but not more than 135,2 mm and a rated speed of more than 30 000 rpm but not more than 50 000 rpm, and	1.1.-31.12.	120 000 units	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2633	ex 8504 40 82	20	— an air-inducting ventilator, for use in the manufacture of vacuum cleaners (1) Electric rectifier, with a capacity of not more than 1 kVA, for use in the manufacture of hair removal apparatus (1)	1.1.-31.12.	4 500 000 units	0 %
09.2643	ex 8504 40 82	30	Power supply boards for use in the manufacture of goods falling under heading 8521 and 8528 (1)	1.1.-31.12.	1 038 000 units	0 %
09.2620	ex 8526 91 20	20	Assembly for GPS system having a position determination function	1.1.-31.12.	3 000 000 units	0 %
09.2003	ex 8543 70 90	63	Voltage controlled frequency generator, consisting of active and passive elements mounted on a printed circuit, contained in a housing with dimensions of not more than 30 mm x 30 mm	1.1.-31.12.	1 400 000 units	0 %
09.2635	ex 9001 10 90	20	Optical fibres for the manufacture of glass fibre cables under heading 8544 (1)	1.1.-31.12.	3 300 000 km	0 %
09.2631	ex 9001 90 00	80	Unmounted glass lenses, prisms and cemented elements for use in the manufacture of goods of CN codes 9002, 9005, 9013 10 and 9015 (1)	1.1.-31.12.	5 000 000 units	0 %

(1) Suspension of duties is subject to Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253 11.10.1993, p. 1).

(2) However, the measure is not allowed where processing is carried out by retail or catering undertakings.

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**LEGISLATIVE FINANCIAL STATEMENT FOR PROPOSALS HAVING A BUDGETARY IMPACT EXCLUSIVELY LIMITED TO THE REVENUE SIDE**

**1. NAME OF THE PROPOSAL:**

Council Regulation amending Regulation (EU) No 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products

**2. BUDGET LINES**

Chapter and Article: Chapter 12, Article 120

Amount budgeted for the year 2012: **€19 171 200 000 (B 2012)**

Amount budgeted for the year 2013: **€18 631 800 000 (DB 2013)**

**3. FINANCIAL IMPACT**

Proposal has no financial implications

Proposal has no financial impact on expenditure but has a financial impact on revenue. The effect is as follows:

(€million to one decimal place)

Budget line	Revenue <sup>3</sup>	12 month period, starting dd/mm/aaaa	[Year: 2013]
Article 120	<i>Impact on own resources</i>	01/1/2013	- 0,8
		6 month period, starting dd/mm/aaaa	[Year: 2/2012]
Article 120	<i>Impact on own resources</i>	01/07/2012	-0,8

(€million to one decimal place)

Situation following action	
	[2014 – 2017]
Article 120	- 0,8 / year

<sup>3</sup> Regarding traditional own resources (agricultural duties, sugar levies, customs duties) the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % of collection costs

The total amount of uncollected duties in 2012 due to the running autonomous tariff quota of Regulation (EU) No 7/2010 is estimated at the amount of €54,2 MEUR.

The amendments (additions and deletions) of this Regulation will result in an annual increase of uncollected duties estimated to amount 1 MEUR.

On the basis of the above, the impact on the loss of revenue resulting from this Regulation may be estimated at 1 MEUR (gross amount, including collection costs) x 0,75 = 0,75 MEUR/year for the period 01.01.2013 - 31.12.2017.

The effect of the retroactive application of the quota indicated in Article 2 of this Regulation is 1 MEUR.

#### **4. ANTI-FRAUD MEASURES**

Checks on the end-use of some of the products covered by this Council Regulation will be carried out in accordance with Articles 291 to 300 of Commission Regulation (EEC) No 2454/93.