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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.5.2009
COM(2009) 232 final

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

1.1. Grounds for and objectives of the proposal

The quota amount for certain autonomous Community tariff quotas is insufficient to meet the needs of the Community industry 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 or increase autonomous tariff quotas for certain industrial products.

1.2. General context

On 20 December 1996 the Council adopted Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products so that Community demand for the products in question could be met under the most favourable conditions. New Community tariff quotas should be opened at zero rates of duty for appropriate amounts, 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 or increase quotas amounts for the products covered by the proposal for a Regulation, without disturbing the markets for such products

For certain products for which an autonomous tariff quota is opened by Regulation (EC) No 2505/96, the quota amount set out in that Regulation is expressed in a measurement unit other than the weight in tonnes or kilogram and than the value. Where for those products no supplementary measurement unit is set out in the Combined Nomenclature laid down in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, there can be uncertainty in respect of the measurement unit used. For the sake of clarity and in the interest of a better quotas management it is necessary to provide that, in order to benefit from the said autonomous tariff quotas, the exact quantity of the products imported must be entered in "Box 41: Supplementary units" of the declaration for release for free circulation using the measurement unit of the quota amount set out for those products in Annex I to Regulation (EC) No 2505/96.

1.3. Provisions in force in the field covered by the proposal

Regulation (EC) No 2505/96 (OJ L 345, 31.12.1996, p.1), as last amended by Regulation (EC) No 1362/2008 (OJ L 352, 31.12.2008, p.18).

1.4. Consistency with the other policies and objectives of the Union

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 and potential candidate countries of the Western Balkans).

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

2.1. Consultation of stakeholders

Consultation methods, main sectors targeted and general profile of respondents

The Economic Tariff Questions Group representing the industries of each Member State was consulted.

Summary of responses and how they have been taken into account

All listed quotas reflect the agreement reached by the Group.

2.2. Collection and use of expertise

Scientific areas or fields of expertise concerned

Experts representing the Member States in the Economic Tariff Questions Group.

Methodology used

Open consultation.

Main organisations/experts consulted

Experts designated by each of the Member States.

Summary of advice received and used

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

Agreement of the Economic and Tariff Questions Group.

Methods used to make the results of these expert opinions available to the public

Publication of the proposal.

2.3. Impact assessment

Not applicable.

The proposal is not mentioned in the Commission's Legislative and Work Programme for 2009.

3. LEGAL ELEMENTS OF THE PROPOSAL

3.1. Summary of the proposed action

Council Regulation amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products.

3.2. Legal basis

Article 26 of the EC Treaty.

3.3. Subsidiarity principle

The subsidiarity principle does not apply, as the proposal falls under the exclusive competence of the Community.

3.4. Proportionality principle

The proposal complies with the principle of proportionality for the following reasons.

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 1998 concerning autonomous tariff suspensions and quotas (C 128, 25.4.1998, p.2).

3.5. Choice of instruments

Proposed instruments: Regulation

Other instruments would not be appropriate for the following reasons:

By virtue of Article 26 of the EC Treaty autonomous tariff quotas are approved by the Council acting on a qualified majority on the basis of a Commission proposal.

4. BUDGETARY IMPLICATION

Uncollected customs duties with a total amount of €1 576 646.

5. ADDITIONAL INFORMATION

5.1. Amendment of existing legislation

Adopting this proposal will mean that some legislation is amended.

Proposal for a

COUNCIL REGULATION

amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission¹,

Whereas:

- (1) For certain products for which an autonomous tariff quota is opened by Regulation (EC) No 2505/96² the quota amount set out in that Regulation is expressed in a measurement unit other than the weight in tonnes or kilogram and than the value. Where for those products no supplementary measurement unit is set out in the Combined Nomenclature laid down in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff³ there can be uncertainty in respect of the measurement unit used. For the sake of clarity and in the interest of a better quotas management it is therefore necessary to provide that, in order to benefit from the said autonomous tariff quotas, the exact quantity of the products imported must be entered in "Box 41: Supplementary units" of the declaration for release for free circulation using the measurement unit of the quota amount set out for those products in Annex I to Regulation (EC) No 2505/96.
- (2) Community demand for the products to which Regulation (EC) No 2505/96 applies should be met under the most favourable conditions. For that purpose with effect from 1 July 2009, three new Community tariff quotas should be opened at zero rates of duty for appropriate amounts while avoiding any disturbance to the markets for those products.
- (3) The quota amount for autonomous Community tariff quota with order no 09.2767 is insufficient to meet the needs of the Community industry. Consequently, this quota amount should be increased.
- (4) For the autonomous Community tariff quota with order no 09.2806 the product description should be revised.
- (5) Regulation (EC) No 2505/96 should therefore be amended accordingly.
- (6) Since the tariff quotas have to take effect from 1 July 2009, this Regulation should apply from the same date and enter into force immediately,

¹ OJ C , , p. .

² OJ L 345, 31.12.1996, p.1.

³ OJ L 256, 7.9.1987, p.1.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2505/96 is amended as follows:

(1) The following Article 1a is inserted:

'Article 1a

Where a declaration for release for free circulation is presented, including a request for benefit from an autonomous tariff quota opened by this Regulation, for which the quota amount is expressed in a measurement unit other than the weight in tonnes or kilogram and than the value, for products for which no supplementary unit is set out in the Combined Nomenclature laid down in Annex I to Council Regulation (EEC) No 2658/87⁴, the exact quantity of the products imported shall be entered in "Box 41: Supplementary units" of that declaration using the measurement unit of the quota amount for those products as set out in Annex I to this Regulation'

(2) Annex I is amended as follows:

(a) the tariff quotas for the products set out in Annex I to this Regulation are inserted.

(b) with effect from 1 January 2009, the rows for the tariff quotas with order numbers 09.2767 and 09.2806 are replaced by the rows set out in Annex II to this Regulation.

Article 2

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 July 2009.

However, point (b) of Article 1(2) shall apply from 1 January 2009.

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

Done at Brussels,

*For the Council
The President*

⁴ OJ L 256, 7.9.1987, p.1

ANNEX I

Tariff quotas referred to in point (a) of Article 1(2)

Order number	CN code	TARIC	Description	Quota period	Quota amount	Quota duty
09.2813	ex 3920 91 00	94	Co-extruded trilayer poly(vinyl butyral) film without a graduated colour band containing by weight 29 % or more but not more than 31 % of 2,2'-ethylenedioxydiethyl bis(2-ethylhexanoate) as a plasticiser	1.7. - 31.12.	500 000 m ²	0 %
09.2807	ex 3913 90 00	86	Non sterile sodium hyaluronate	1.7. - 31.12.	55 000 g	0 %
09.2815	ex 6909 19 00	70	Supports for catalysts or filters, consisting of porous ceramics made primarily from oxides of aluminium and titanium; with a total volume of not more than 65 litres and at least one duct (open on one or both ends) per cm ² of cross section	1.7. - 31.12.	190 000 units	0%

ANNEX II

Tariff quotas referred to in point (b) of Article 1(2)

Order number	CN code	TARIC	Description	Quota period	Quota amount	Quota duty
09.2806	ex 2825 90 40	30	Tungsten trioxide, including blue tungsten oxide	1.1.-31.12.	12 000 tonnes	0 %
09.2767	ex 2910 90 00	80	Allyl glycidyl ether	1.1.-31.12.	2 500 tonnes	0 %

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

1. NAME OF THE PROPOSAL:

Council Regulation amending Regulation (EC) No 2505/96 opening and providing for the administration of autonomous Community tariff quotas for certain agricultural and industrial products

2. BUDGET LINES:

Chapter and Article: Chapter 12, Article 120

Amount budgeted for the year concerned: **€17 655 800 000**

3. FINANCIAL IMPACT

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 ⁵	6 month period, starting 01/07/2009	[Year 2009]
Article 120	<i>Impact on own resources</i>	1.7.2009 – 31.12.2009	- 1.6

4. ANTI-FRAUD MEASURES

Provisions on the management of tariff quotas include the measures needed to prevent and protect against frauds and irregularities.

⁵ 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.

ANNEX I

Effective from 1. 7.2008:

Description of product	Quota amount (unit/tonnes)	Estimated price (€per m ² / €per kg/per unit)	Duty (%) (2009 CCT)	Quota duty (%)	Expected loss of revenue (in €)
Film 09.2813	500 000 m ²	6.26	6.1	0	190 930
Sodium hyaluronate 09.2807	55 kg	173 081	6.5	0	618 765
Supports 09.2815	190 000 u	100	5	0	1 045 000

**Total loss of revenue:
(€1 854 695 – €463 673) €1 391 022 net.**

ANNEX II

Effective from 1.7.2008:

Description of product	Variation in quota amount (unit/tonnes)	Estimated price (€per tonne)	Duty (%) (2009 CCT)	Quota duty (%)	Expected variation in the loss of revenue in relation to the previous quota period (in €)
Ether 09.2767	+ 1 000 tonnes (initial amount: 1 500 tonnes)	4 500	5.5	0	247 500

**Total loss of revenue in relation to previous quota period:
(€247 500 – €61 875) €185 625 net.**