



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 30.4.2008  
COM(2008) 235 final

Proposal for a

**COUNCIL REGULATION**

**amending Regulation (EC) No 1255/96 temporarily suspending the autonomous  
common customs tariff duties on certain industrial, agricultural and fishery products**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

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

#### **1.1. Grounds for and objectives of the proposal**

The Commission, assisted by the Economic Tariff Questions Group, has reviewed all the requests for temporary suspension of autonomous common customs tariff duties presented to it by the Member States. The attached proposal concerns certain industrial and agricultural products. Requests for suspension relating to the above products were examined in the light of the criteria set out in the communication from the Commission concerning autonomous tariff suspensions and quotas (see OJ C 128, 25.4.1998, p. 2). Following this review, the Commission considers that the suspension of duties is justified for the products listed in Annex I to the attached proposal for a Regulation. Products for which suspension is no longer in the Community's economic interests have been withdrawn. The annexes to this Regulation list the products for which suspension is proposed, or for which the wording has to be changed, and the products removed from the Annex to Regulation (EC) No 1255/96. The validity period of the measure is 1 July 2008 to 31 December 2012, in order to carry out economic examinations of the individual suspensions in this period. The suspensions, whose cancellation or continuation is considered necessary by the Commission and Economic Tariff Questions Group shall be extended or deleted after this date.

#### **1.2. General context**

It is in the interest of the Community to suspend partially or totally the autonomous common customs tariff duties for a number of new products not listed in the Annex to Council Regulation (EC) No 1255/96 temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products.

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

OJ L 158, 29.6.1996, p. 1. Regulation last amended by Regulation (EC) No 1527/2007 (OJ L 349, 30.12.2007, p. 7).

#### **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 suspensions correspond to the agreement of the discussions inside 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

The existence of potentially serious risks with irreversible consequences has not been mentioned.

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

Publication of the proposal.

**2.3. Impact assessment**

This proposal relieves Community industry from 8 300 000 € duty and invigorates it in competition with industry from third countries supplying finished products into the Community market. It is in accordance with the principles set out in Commission Communication concerning autonomous tariff suspensions and quotas. The proposed amendment is an instrument to keep and provide new employment within the European Union. Proposal included in the Commission's Working and Legislative Programme 2008.

**3. LEGAL ELEMENTS OF THE PROPOSAL**

**3.1. Summary of the proposed action**

Proposal for a Council Regulation amending Regulation (EC) No 1255/96 temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products.

**3.2. Legal basis**

Article 26 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 set out to simplify the procedures for the operators engaged in foreign trade and in accordance with the Commission communication concerning autonomous tariff suspensions and quotas.

### **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 suspensions and quotas are approved by the Council acting by qualified majority on the basis of a Commission proposal

## **4. BUDGETARY IMPLICATION**

Uncollected customs duties with a total amount of 8 300 000 €/year.

## **5. ADDITIONAL INFORMATION**

### **5.1. Simplification**

In the Annex to the proposed regulation a differential list of duty suspensions will be published.

Proposal for a

## COUNCIL REGULATION

### **amending Regulation (EC) No 1255/96 temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery 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 Commission<sup>1</sup>,

Whereas:

- (1) It is in the interest of the Community to suspend partially or totally the autonomous common customs tariff duties for a number of new products not listed in the Annex to Council Regulation (EC) No 1255/96<sup>2</sup>.
- (2) The CN and TARIC codes 5603 12 10 20 and 8504 40 84 20 for two products which are listed in the Annex to Regulation (EC) No 1255/96 should be withdrawn from that list because it is no longer in the Community's interest to maintain suspension of autonomous common customs tariff duties.
- (3) In addition for eight products the description needs to be altered in order to take account of technical product developments and economic trends on the market. Those products should be considered as withdrawn from the list and should as a consequence be inserted in it as new products.
- (4) Experience has shown the need to provide for an expiry date to the suspensions listed in Regulation (EC) No 1255/96 to ensure that account is taken of technological and economic changes. This should not exclude the premature termination of certain measures or their continuation beyond this period, if economic reasons are submitted, in accordance with the principles laid down in the Commission Communication of 1998 concerning autonomous tariff suspensions and quotas.<sup>3</sup>
- (5) Regulation (EC) No 1255/96 should therefore be amended accordingly.
- (6) Since the suspensions laid down in this Regulation have to take effect from 1 July 2008, this Regulation should apply from the same date and enter into force immediately,

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

<sup>2</sup> OJ L 158, 29.6.1996, p. 1. Regulation as last amended by Regulation (EC) No 1527/2007 (OJ L 349, 31.12.2007, p. 7).

<sup>3</sup> OJ C 128, 25.4.1998, p.2.

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 1255/96 is amended as follows:

- (1) The rows for the products set out in Annex I to this Regulation are inserted;
- (2) The rows for the products for which the CN and TARIC codes are set out in Annex II to this Regulation are deleted.

*Article 2*

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

This Regulation shall apply from 1 July 2008.

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

Done at Brussels,

*For the Council*  
*The President*

## ANNEX I

### Products referred to in Article 1(1).

CN code	TARIC	Description	Rate of autonomous duty	Validity period
ex 2008 60 19	30	Sweet cherries containing added spirit, whether or not with a sugar content of 9 % by weight, of a diameter of not more than 19.9 mm with stone, for use in chocolate products (1)	10 % (2)	1.7.2008-31.12.2012
ex 2008 60 39	30			
ex 2835 10 00	10	Sodium hypophosphite monohydrate	0 %	1.7.2008-31.12.2012
ex 2839 19 00	10	Disodium disilicate	0 %	1.7.2008-31.12.2012
ex 2841 80 00	10	Diammonium wolframate (ammonium paratungstate)	0 %	1.7.2008-31.12.2012
ex 2850 00 20	30	Titanium nitride with a particle size of not more than 250 nm	0 %	1.7.2008-31.12.2012
ex 2930 90 85	82	Sodium toluene-4-sulphinate	0 %	1.7.2008-31.12.2012
ex 2930 90 85	83	Methyl- <i>p</i> -tolyl sulphone	0 %	1.7.2008-31.12.2012
ex 2934 20 80	40	1,2-Benzisothiazol-3(2H)-one (Benzisothiazolinone (BIT))	0 %	1.7.2008-31.12.2012
ex 3808 93 15	10	Preparation based on a concentrate containing by weight 45 % or more but not more than 55 % of the active herbicidal ingredient Penoxsulam as an aqueous suspension	0 %	1.7.2008-31.12.2012
ex 3815 19 90	41	Catalysts in the form of tablets, consisting of 60 % ( $\pm 2$ %) by weight of copper oxide on a support of aluminium oxide	0 %	1.7.2008-31.12.2012
ex 3815 90 90	85	Catalyst based on aluminosilicate (zeolite), for the alkylation of aromatic hydrocarbons, for the transalkylation of alkylaromatic hydrocarbons or for the oligomerization of olefins (1)	0 %	1.7.2008-31.12.2012
ex 3824 90 97	70	Paste containing by weight 75 % or more, but not more than 85 % of copper, and also containing inorganic oxides, ethyl cellulose and a solvent	0 %	1.7.2008-31.12.2012
ex 3824 90 97	78	Mixture of phytosterols derived from wood and wood based oils (tall oil), in the form of powder with a particle size not more than 300 $\mu$ m, containing by weight: <ul style="list-style-type: none"> <li>– 60 % or more, but not more than 80 % of sitosterols,</li> <li>– not more than 15 % of campesterols,</li> </ul>	0 %	1.7.2008-31.12.2012

CN code	TARIC	Description	Rate of autonomous duty	Validity period
		<ul style="list-style-type: none"> <li>– not more than 5 % of stigmasterols,</li> <li>– not more than 15 % of betasitostanols</li> </ul>		
ex 3904 10 00	20	Poly(vinyl chloride) powder, not mixed with any other substances, with a degree of polymerisation of 1000 ( $\pm$ 100) monomer units, a coefficient of heat transmission (K-value) of 60 or more, but not more than 70, a bulk density of 0,35 g / cm <sup>3</sup> or more, but not more than 0,55 g/cm <sup>3</sup> , a volatile material content of less than 0,35 % by weight, a medium average grain size of 40 $\mu$ m or more, but not more than 70 $\mu$ m and a sieve non- passing fraction at a mesh width of 120 $\mu$ m of not more than 1 % by weight, not containing any vinyl acetate monomers, for the manufacture of battery separators (1)	0 %	1.7.2008-31.12.2012
ex 3919 10 69	91	Acrylic foam tape, covered on one side with a heat activatable adhesive or an acrylic pressure sensitive adhesive and on the other side with an acrylic pressure sensitive adhesive and a release sheet, of a peel adhesion at an angle of 90 ° of more than 25 N/cm (as determined by the ASTM D 3330 method)	0 %	1.7.2008-31.12.2012
ex 3919 90 69	96			
ex 3919 90 69	97	Rolls of biaxially oriented polypropylene film with: <ul style="list-style-type: none"> <li>– a self adhesive coating,</li> <li>– a width of 363 mm or more, but not more than 507 mm,</li> <li>– a total film thickness of 10 <math>\mu</math>m or more but not more than 100 <math>\mu</math>m,</li> </ul> for use in the protection of LCD displays during the manufacturing of LCD modules (1)	0 %	1.7.2008-31.12.2012
ex 3920 62 19	80	Poly(ethylene terephthalate) film of a thickness of not more than 20 $\mu$ m, coated on both sides with a gas barrier layer consisting of a polymeric matrix in which silica has been dispersed and of a thickness of not more than 2 $\mu$ m	0 %	1.7.2008-31.12.2012
ex 3920 62 19	82			
ex 3920 92 00	30	Polyamide film of a thickness of not more than 20 $\mu$ m, coated on both sides with a gas barrier layer which consists of a polymeric matrix in which silica has been dispersed and of a thickness not exceeding 2 $\mu$ m	0 %	1.7.2008-31.12.2012
ex 5603 11 10	20	Nonwovens, not weighing more than 20 g/m <sup>2</sup> , containing spunbonded and meltblown filaments put together in a sandwich way with the two outer layers containing fine endless filaments (not less than 10 $\mu$ m but not more than 20 $\mu$ m in diameter) and the inner layer containing super-fine endless filaments (not less than 1 $\mu$ m but not more than 5 $\mu$ m in diameter), for the manufacture of napkins and napkin liners for babies and similar sanitary napkins (1)	0 %	1.7.2008-31.12.2012
ex 5603 11 90	20			
ex 5603 12 90	50	Non-woven: <ul style="list-style-type: none"> <li>– weighing 30 g/m<sup>2</sup> or more, but not more than 60 g/m<sup>2</sup>,</li> <li>– containing fibres of polypropylene or of polypropylene and polyethylene,</li> </ul>	0 %	1.7.2008-31.12.2012

CN code	TARIC	Description	Rate of autonomous duty	Validity period
		<ul style="list-style-type: none"> <li>– whether or not printed, with:</li> <li>– on one side, 65 % of the total surface area having circular bobbles of 4 mm in diameter, consisting of anchored, elevated un-bonded curly fibres, suitable for the engagement of extruded hook materials, and the remaining 35 % of the surface area being bonded,</li> <li>– and on other side a smooth untextured surface,</li> </ul> <p>for use in the manufacture of napkins and napkin liners for babies and similar sanitary articles (1)</p>		
ex 7005 10 25	10	<p>Float glass:</p> <ul style="list-style-type: none"> <li>– of a thickness of 2.0 mm or more but not more than 2.4 mm,</li> <li>– coated on one surface with a fluorine doped tin dioxide reflective layer</li> </ul>	0 %	1.7.2008-31.12.2012
ex 7005 10 30	10	<p>Float glass:</p> <ul style="list-style-type: none"> <li>– of a thickness of 4.0 mm or more but not more than 4.2 mm,</li> <li>– with a light transmission of 91 % or more measured using a D-type light source,</li> <li>– coated on one surface with a fluorine doped tin dioxide reflective layer</li> </ul>	0 %	1.7.2008-31.12.2012
ex 7006 00 90	60	Soda-lime glass plates with:	0%	1.7.2008-31.12.2012
ex 8529 90 92	46	<ul style="list-style-type: none"> <li>– a strain point of more than 570° C</li> <li>– a thickness of 1.7 mm or more but not more than 2.9 mm</li> <li>– dimensions of 1 144 mm (± 0.5 mm) x 670 mm (± 0.5 mm) or 1 164 mm (± 0.5 mm) x 649 mm (± 0.5 mm)</li> <li>– and whether or not containing:</li> <li>– -an Indium-Tin Oxide film, or</li> <li>– -a grid of electrodes made from silver paste covered by dielectric material</li> </ul>		
ex 7007 19 20	20	Tempered or semi-tempered glass plate of a diagonal size of 81 cm or more, but not exceeding 186 cm, with one or more polymer layers, whether or not painted or with coloured or black ceramics around the surrounding edges, for use in the manufacture of goods falling within heading 8528 (1)	0 %	1.7.2008-31.12.2012
ex 7606 12 10	10	Strip of an alloy of aluminium and magnesium, containing by weight:	0 %	1.7.2008-31.12.2012
ex 7607 11 90	20	– 93.3 % or more of aluminium,		

CN code	TARIC	Description	Rate of autonomous duty	Validity period
		<ul style="list-style-type: none"> <li>– 2.2 % or more but not more than 5 % of magnesium, and</li> <li>– not more than 1.8 % of other elements,</li> </ul> <p>in rolls, of a thickness of 0.14 mm or more but not more than 0.40 mm and a width of 12.5 mm or more but not more than 89 mm, with a tensile strength of 285 N/mm<sup>2</sup> or more and an elongation at break of 1.0 % or more</p>		
ex 7607 20 99	10	Aluminium laminated film of a total thickness of not more than 0.123 mm, comprising of a layer of aluminium of a thickness of not more than 0.040 mm, polyamide and polypropylene base films, and a protective coating against corrosion by hydrofluoric acid, for use in the manufacture of lithium polymer batteries (1)	0 %	1.7.2008-31.12.2012
ex 8108 90 30	10	Titanium-alloy rods for the manufacture of structural parts of aircraft (1)	0 %	1.7.2008-31.12.2012
ex 8108 90 30	20	Bars, rods and wire of alloy of titanium and aluminium, containing by weight 1 % or more but not more than 2 % of aluminium, for use in the manufacture of silencers and exhaust pipes of subheadings 8708 92 or 8714 19 (1)	0 %	1.7.2008-31.12.2012
ex 8108 90 50	30	Alloy of titanium and silicon, containing by weight 0.15 % or more but not more than 0.60 % of silicon, in sheets or rolls, for use in the manufacture of: <ul style="list-style-type: none"> <li>– exhaust systems for internal combustion engines or</li> <li>– tubes and pipes of subheading 8108 90 60</li> </ul> (1)	0 %	1.7.2008-31.12.2012
ex 8108 90 50	40	Titanium-alloy sheets for the manufacture of structural parts of aircrafts (1)	0 %	1.7.2008-31.12.2012
ex 8108 90 50	50	Plates, sheets, strips and foils of an alloy of titanium, copper and niobium, containing by weight 0.8 % or more but not more than 1.2 % of copper and 0.4 % or more but not more than 0.6 % of niobium	0 %	1.7.2008-31.12.2012
ex 8113 00 90	10	Carrier plate of aluminium silicon carbide (AlSiC-9) for electronic circuits	0 %	1.7.2008-31.12.2012
ex 8407 33 90	10	Spark-ignition reciprocating or rotary internal combustion piston engines, having a cylinder capacity of not less than 300 cm <sup>3</sup> and a power of not less than 6 kW but not exceeding 15.5 kW, for the manufacture of:	0 %	1.7.2008-31.12.2012
ex 8407 90 80	10			
ex 8407 90 90	10	<ul style="list-style-type: none"> <li>– self-propelled lawn mowers, with a seat of sub-heading 8433 11 51</li> <li>– tractors of subheading 8701 90 11, whose main function is that of a lawn mower</li> <li>– four stroke mowers with motor of a cylinder capacity of not less</li> </ul>		

CN code	TARIC	Description	Rate of autonomous duty	Validity period
		than 300 cc of subheading 8433 20 10 or – snowploughs and snow blowers of subheading 8430 20 (1)		
ex 8407 90 10	20	Two-stroke internal combustion engines, having a cylinder capacity not exceeding 125 cm <sup>3</sup> , for the manufacture of lawnmowers of sub-heading 8433 11 or snowploughs and snow blowers of subheading 8430 20 (1)	0 %	1.7.2008-31.12.2012
ex 8536 69 90	20	Pitch connector for use in the manufacture of LCD television reception apparatus (1)	0 %	1.7.2008-31.12.2012
ex 9001 20 00	10	Material consisting of a polarising film, whether or not on rolls, supported on one or both sides by transparent material	0 %	1.7.2008-31.12.2012
ex 9405 40 39	10	Ambient light module with a length of 300 mm or more, but not exceeding 600 mm, based on a light engine of a series of 3 or more, but not more than 9 specific one chip red green and blue light emitting diodes mounted on a PCB, with light coupled to the front and/or back of the Flat TV set (1)	0 %	1.7.2008-31.12.2008

(1) Entry under this subheading is subject to 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).

(2) The specific additional duty is applicable.

## ANNEX II

Products referred to in Article 1(2).

CN code	TARIC
3815 90 90	85
3919 10 69	91
3919 90 69	96
5603 11 10	20
5603 11 90	20
5603 12 10	20
5603 12 90	50
7607 20 99	10
8108 90 50	30
8407 33 90	10
8407 90 80	10
8407 90 90	10
8407 90 10	20
8504 40 84	20
9001 20 00	10

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

**1. NAME OF THE PROPOSAL:**

Proposal for a Council Regulation amending Regulation (EC) No 1255/96 temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products

**2. BUDGET LINES:**

Chapter and Article: Chapter 12, Article 120

Amount budgeted for the year concerned: : € 16 431 900 000

**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 <sup>4</sup>	period, starting dd/mm/aaaa	[Year 2 <sup>nd</sup> semester 2008 and 2009 – 2012]
Article 120	<i>Impact on own resources</i>	01/07/2008 - 31/12/2012	- 8.3/year

**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 laying down provisions for the implementation of the Community Customs Code.

**5. OTHER REMARKS**

In order to reduce the economic problems an expiry date has been set out.

This proposal contains the amendments which must be made to the annex to the existing Regulation in order to take account of the following:

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<sup>4</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.

1. new requests for suspension which have been presented and accepted;
2. technical product developments and economic trends on the market resulting in the lifting of certain existing suspensions.

#### Addition

This Annex, in addition to the amendments resulting from description changes, contains 27 new products. The uncollected duties corresponding to these suspensions, calculated on the basis of expected imports into the requesting Member State for 2. Semester 2008, 2009 until 2012, total MEUR 7.2/year.

On the basis of the existing statistics for the preceding years, it would appear, however, that this amount must be increased by an average factor, estimated at 1.8, to take account of imports into other Member States using the same suspensions. This means **a loss of revenue of some MEUR 12.9/year.**

#### Withdrawal:

2 products have been withdrawn from this annex reflecting the reintroduction of customs duties. This represents **an increase of MEUR 1.9 in resources**, as calculated from requests for suspension or available statistics (2007).

#### Estimated cost of this operation

Taking available statistics (2007) as a basis, the impact on the loss of revenue resulting from this Regulation may therefore be estimated at  $12.9 - 1.9 = \text{MEUR } 11.0$  (gross amount, expenses incurred in collection included)  $\times 0.75 = \text{EUR } 8.3 \text{ MEUR/year for the period } 01.07.2008 - 31.12.2012.$

The loss of revenue in Traditional Own Resources shall be compensated by Member States contributions based on the GNI.