



EUROPEAN COMMISSION

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2011/0120 (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 increase quota volumes for the products covered by the proposal for a Regulation and to amend the product description for the quota with order No 09.2631, without disturbing the markets for such products. It was also necessary to close the tariff quota for order No 09.2947.

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. RESULTS OF CONSULTATIONS WITH 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 subsidiarity 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 1998 concerning autonomous tariff suspensions and quotas (C 128, 25.4.1998, p.2).

4. BUDGETARY IMPLICATION

Uncollected customs duties with a total amount of €- 837 623.

5. OPTIONAL ELEMENTS

In the Annex to the proposed regulation increases and amendments of autonomous quotas are listed.

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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,

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 7/2010¹ within which those products can be imported at reduced or zero duty rates.
- (2) The quota volumes, previously established, for autonomous tariff quotas of the Union with order numbers 09.2767, 09.2813, 09.2628, 09.2629 and 09.2635 are insufficient to meet the needs of the Union industry. Consequently, those quota volumes should be increased, from 1 July in the case of the tariff quotas with the order numbers 09.2767 and 09.2813, from 1 January in the case of tariff quotas with the order numbers 09.2628, 09.2629 and 09.2635.
- (3) Moreover, for the autonomous tariff quota of the Union with the order number 09.2631 the product description should be revised.
- (4) In addition, it is no longer in the interest of the Union to continue to grant a tariff quota for the second semester 2011. The quota with order number 09.2947 should therefore be closed with effect from 1 July 2011 and the corresponding row should be deleted from the Annex to Regulation (EU) No 7/2010.
- (5) Regulation (EU) No 7/2010 should therefore be amended accordingly.
- (6) Since some of the measures provided for in this Regulation have to take effect from 1 January 2011 and others from 1 July 2011, this Regulation should apply from the same dates and enter into force immediately,

¹ OJ L 3, 7.1.2010, p.1.

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 7/2010 is amended as follows:

- (1) the rows for the tariff quotas with order numbers 09.2767, 09.2813 and 09.2631 are replaced by the rows set out in Annex I to this Regulation,
- (2) the rows for the tariff quotas with order numbers 09.2628, 09.2629 and 09.2635 are replaced by the rows set out in Annex II to this Regulation.
- (3) the row for the tariff quota with order number 09.2947 is deleted.

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 2011.

However, Article 1(2) shall apply from 1 January 2011.

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

Tariff quotas referred to in Article 1(1)

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty
09.2767	ex 2910 90 00	80	Allyl glycidyl ether	1.1.-31.12.	4 300 tonnes	0 %
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	1.1.-31.12.	3 000 000 m ²	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 %

ANNEX II

Tariff quotas referred to in Article 1(2)

Order number	CN code	TARIC	Description	Quota period	Quota amount	Quota duty
09.2628	ex 7019 52 00	10	Glass web woven from glass fibre coated in plastic, of a weight of 120 g/m ² (± 10 g/m ²), of a type used in rolling insect screens with fixed frames	1.1.-31.12.	1 900 000 m ²	0 %
09.2629	ex 7616 99 90	85	Aluminium telescopic handle for use in the manufacture of luggage (1)	1.1.-31.12.	600 000 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 %

**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 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 2010: **€14 079 700 000 €**

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 ²	6 month period, starting 01/07/2011
Article 120	<i>Impact on own resources</i>	- 0.8

4. ANTI-FRAUD MEASURES

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

5. Other Remarks

² 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. 7.2011:

Tariff quotas referred to in Article 1

Description of product	Quota amount (unit/tonnes)	Estimated price (€per tonne, m ²)	Duty (%) (2011 CCT)	Quota duty (%)	Expected loss of revenue (in €)
Ether 09.2767	+ 1 800 tonnes (initial amount: 2 500 tonnes)	4 500	5.5	0	445 500
Film 09.2813	+ 1 000 000 m ² (initial amount: 2 000 000 m ²)	6.26	6.1	0	381 860

Total loss of revenue:
(€827 360 – €206 840) = €620 520 net.

ANNEX II

Effective from 1. 1.2011:

Tariff quotas referred to in Article 2

Description of product	Variation in quota amount (tonnes/g)	Estimated price (€ per m ² , unit, km)	Duty (%) (2011 CCT)	Quota duty (%)	Expected variation in the loss of revenue in relation to the previous quota period (in €)
Glass web 09.2628	+ 1 550 000 m ² (initial amount: 350 000 m ²)	0.96	7	0	104 160
Handles 09.2629	+ 360 000 units (initial amount: 240 000 units)	2.32	6	0	50 112
Optical fibres 09.2635	+ 700 000 km (initial amount: 2 600 000 units)	6.66	2.9	0	135 198

Total loss of revenue in relation to previous quota period:
(€289 470 – €72 367) = €217 103 net.