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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 975/2003

of 5 June 2003

opening and providing for the administration of a tariff quota for imports of canned tuna covered by CN codes 1604 14 11, 1604 14 18 and 1604 20 70

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) In November 2001 the Community, Thailand and the Philippines agreed to hold consultations to examine to what extent the Thai and the Philippine legitimate interests were being unduly impaired as a result of the implementation of the preferential tariff treatment for canned tuna originating in ACP States. Following the failure to achieve a mutually acceptable solution, the Community, Thailand and the Philippines agreed to refer the matter to mediation. On 20 December 2002 the mediator presented its opinion whereby the Community should open a MFN-based tariff quota of 25 000 tons for 2003 at an in-quota tariff rate of 12 % *ad valorem*.

(2) Given its desire to resolve this long-standing problem, the Community has decided to accept this proposal. Therefore, an additional tariff quota for a limited volume of canned tuna should be opened.

(3) It is appropriate to allocate country specific shares of the quota to those countries having a substantial interest in supplying canned tuna, on the basis of the quantities supplied by each of them under non-preferential conditions during a representative period of time. The remaining part of the quota should be available to all other countries.

(4) The best way of ensuring optimal use of the tariff quota is to allocate it in the chronological order of the dates on which declarations of release for free circulation are accepted.

(5) In order to ensure that the quota is administered efficiently, presentation of a certificate of origin should be required for imports of canned tuna from Thailand, the Philippines and Indonesia, the main suppliers and the main beneficiaries of the quota.

(6) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [1],

HAS ADOPTED THIS REGULATION:

Article 1

From 1 July 2003, imports of canned tuna covered by CN codes 1604 14 11, 1604 14 18 and 1604 20 70 originating in any country shall be eligible for a tariff rate of 12 per cent within the limits of the tariff quota opened in accordance with this Regulation.

Article 2

The tariff quota shall be opened annually for an initial period of five years. Its volume for the first two years shall be fixed as follows:

— 25 000 tons from 1 July 2003 to 30 June 2004,

— 25 750 tons from 1 July 2004 to 30 June 2005.

Article 3

The tariff quota shall be divided into four parts, as follows:

(a) a quota of 52 % of the annual volume, with the order number 09.2005, for imports originating in Thailand; and

(b) a quota of 36 % of the annual volume, with the order number 09.2006, for imports originating in the Philippines; and

(c) a quota of 11 % of the annual volume, with the order number 09.2007, for imports originating in Indonesia; and

(d) a quota of 1 % of the annual volume, with the order number 09.2008, for imports originating in other third countries.

[1] OJ L 184, 17.7.1999, p. 23.