



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 15 May 2002 (24.05)  
(OR. fr)**

**8913/02**

**UD 42**

### **OUTCOME OF PROCEEDINGS**

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of : Working Party on Customs Union (Common Customs Tariff)  
dated : 24 April 2002  
Subject : Temporary suspension of autonomous CCT duties – Opening and administration  
of autonomous Community tariff quotas

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**1. 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**

8316/02 UD 28

**The Working Party** recorded agreement <sup>1</sup> on the Commission proposal while making a number of changes to Annexes I and II. It agreed to forward the amended text as finalised by the legal-linguistic experts to Coreper (under "I") with a view to its adoption by the Council ("A" item) at a future meeting. <sup>2</sup>

**The German delegation** wanted a corrigendum to Council Regulation (EC) No 2499/2001 <sup>3</sup> published in the OJEC supplementing codes 0304 10 98 60 and 0304 90 97 31 (meat of dogfish) with codes 0304 10 38 45 and 0304 20 61 10 (fillets of dogfish) with retroactive effect from 1 January 2002 (in the draft Regulation this amendment has been introduced as from 1 July 2002). Since such a measure might mean that

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<sup>1</sup> A parliamentary scrutiny reservation by the **French delegation** remains outstanding.

<sup>2</sup> Finalised document: 8716/02 UD 37 – "I/A" item note : 8717/02 UD 38.

<sup>3</sup> OJ L 340, 21.12.2001, p. 1.

duties levied between 1 January and 30 June 2002 had to be reimbursed, scrutiny reservations were entered by **the French delegation** and by **the Commission representative**, the latter wanting to consult the Commission Legal Service.

**The Working Party** agreed to consult the Council Legal Service also. It concluded that if the French delegation and the Commission upheld their reservations and if the Council Legal Service produced an unfavourable opinion within 10 days, Regulation (EC) No 2499/2001 would not be corrected.<sup>4</sup>

2. **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**

8744/02 UD 40

**The Working Party** recorded agreement<sup>5</sup> on the Commission proposal with the following amendment : Annex, order number 09.2998, quota amount increased from 8 to 20 tonnes.

Following finalisation by the legal-linguistic experts, the amended text will be forwarded to Coreper ("I" item) and to the Council ("A" item) for adoption.<sup>6</sup>

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<sup>4</sup> After the meeting, **the French delegation** confirmed its reservation with the General Secretariat. **The Commission representative** informed the Presidency and the General Secretariat that the Commission was opposed to the publication of this corrigendum as it was more than just a technical error, it was difficult to justify urgency and making the measure retroactive was impossible for the customs authorities from the technical angle and would also have a negative impact on the Community's own resources. **The Council Legal Service** agreed with the Commission and also stressed that operators' legitimate expectations would be prejudiced.

<sup>5</sup> A parliamentary scrutiny reservation by **the French delegation** remains outstanding.

<sup>6</sup> Finalised document : 8694/02 UD 31 – "I/A" item note : 8696/02 UD 32.

3. **Proposal for a Council Regulation amending Regulation (EC) No 3050/95 temporarily suspending the autonomous Common Customs Tariff duties on a number of products intended for the construction, maintenance and repair of aircraft**

7261/02

In response to a question from **the Greek delegation**, the Commission representative confirmed that this proposal did not affect the scope of Council Regulation No 3050/95 as regards aircraft, since the exclusive application to civil use related only to ground flying trainers.

This point having been clarified, **the Working Party** recorded agreement <sup>7</sup> on the Commission proposal with two amendments:

- deletion of "civil" in the last line of the first recital;
- a change in the date of application, which is set at 1 July 2002.

Following finalisation by the legal-linguistic experts, the amended text will be forwarded to Coreper ("I" item) and to the Council ("A" item) for adoption. <sup>8</sup>

4. **Proposal for a Council Regulation temporarily suspending the autonomous Common Customs Tariff duties on certain goods imported with airworthiness certificates**

7436/02 UD 20

**The Working Party** recorded agreement <sup>9</sup> on the Commission proposal and set the date of implementation of the Regulation at 1 July 2002. It agreed to forward the text, following finalisation by the legal-linguistic experts, to Coreper ("I" item) and to the Council ("A" item) for adoption. <sup>10</sup>

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<sup>7</sup> A parliamentary scrutiny reservation by **the French delegation** remains outstanding.

<sup>8</sup> Finalised document : 8713/02 UD 35 – "I/A" item note: 8714/02 UD 36.

<sup>9</sup> A parliamentary scrutiny reservation by **the French delegation** remains outstanding.

<sup>10</sup> Finalised document: 8697/02 UD 33; "I/A" item note: 8699/02 UD 34.

## 5. Other business

### *Petrol engines for use in the manufacture of lawn-mowers*

**The Commission representative** said the Commission intended to submit, probably at the end of May 2002, a proposal for an amendment to Regulation (EC) No 2505/96 (tariff quotas) for petrol engines for use in the manufacture of lawn mowers for the period 1 January to 30 June 2002.

**The Italian delegation** pointed out that Italy was a major manufacturer of such engines and asked the Commission to make its intentions known at an early date.

### *Military equipment*

**The Commission representative** informed the Working Party that the Commission was to arrange an informal meeting on 6 May 2002 to examine the question of the customs duties applicable to military equipment.

**The Swedish delegation** pointed out that under Article 296 TEC no Member State could be obliged to supply information which might prejudice its security and wanted this question resolved to the satisfaction of all Member States.

**The French delegation** said internal consultations were in progress on the application of Article 26 TEC to military equipment. Although its position on this issue was not yet final, it thought the Working Party on European Arms Policy should be informed about the discussions in progress.

**The Presidency** asked the Commission to invite not only the customs attachés but also the Member States' customs administrations to this informal meeting, given the tariff experts' interest in this matter.