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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2019–2020

COUNCIL REGULATION (EU) 2018/...

of ...

**opening and providing for the management
of autonomous Union tariff quotas
for certain fishery products for the period 2019–2020**

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) Union supplies of certain fishery products currently depend on imports from third countries. In the last 21 years, the Union has become more dependent on imports to meet its consumption of fishery products. In order not to jeopardise the Union production of fishery products and to ensure an adequate supply to the Union processing industry, import duties should be reduced or suspended for a number of fishery products within tariff quotas of an appropriate volume. To guarantee a level playing field for the Union producers, the sensitivity of individual fishery products on the Union market should be taken into consideration.
- (2) Council Regulation (EU) 2015/2265¹, which was amended by Council Regulation (EU) 2016/1184², opened and provided for the management of autonomous Union tariff quotas for certain fishery products for the period 2016–2018. Given that the period of application of Regulation (EU) 2015/2265 expires on 31 December 2018, a new Regulation providing for tariff quotas should be adopted for the period 2019–2020.
- (3) Equal and uninterrupted access to the tariff quotas provided for in this Regulation should be ensured for all Union importers, and the rates laid down for the tariff quotas should be applied without interruption to all imports of the fishery products concerned into all Member States until the tariff quotas have been used up.

¹ Council Regulation (EU) 2015/2265 of 7 December 2015 opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2016-2018 (OJ L 322, 8.12.2015, p. 4).

² Council Regulation (EU) 2016/1184 of 18 July 2016 amending Regulation (EU) 2015/2265 opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2016 to 2018 (OJ L 196, 21.7.2016, p. 1).

- (4) Commission Implementing Regulation (EU) 2015/2447¹ provides for a system of tariff-quota management which follows the chronological order of the dates of acceptance of the customs declarations for release for free circulation. The tariff quotas opened by this Regulation should be managed by the Commission and the Member States in accordance with that system.
- (5) It is important to ensure transparency, predictability and legal certainty for all stakeholders. Since the tariff quotas are intended to ensure adequate supply to the Union processing industry, minimum treatment or operation should be required for quota entitlement.
- (6) To ensure the efficiency of a common management of the tariff quotas, Member States should be permitted to draw from the tariff quota amount the necessary quantities corresponding to their actual imports. Since that method of management requires close cooperation between the Member States and the Commission, the Commission should be able to monitor the rate at which the tariff quotas are used up and should inform the Member States accordingly,

HAS ADOPTED THIS REGULATION:

¹ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

Article 1

Import duties on the products listed in the Annex shall be reduced or suspended within the tariff quotas at the rates, for the periods and up to the amounts indicated therein.

Article 2

The tariff quotas referred to in Article 1 of this Regulation shall be managed in accordance with Articles 49 to 54 of Regulation (EU) 2015/2447.

Article 3

The tariff quotas shall be subject to end-use customs supervision in accordance with Article 254 of Regulation (EU) No 952/2013 of the European Parliament and of the Council¹.

Article 4

1. The reduction or suspension of import duties shall apply only to products intended for human consumption.
2. The tariff quotas shall not be available for those products whose processing is carried out at retail or catering level.

¹ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

3. The tariff quotas shall not be available for products intended solely for one or more of the following operations:

- cleaning, gutting, tailing, heading;
- cutting;
- repacking of frozen IQF (individually quick frozen) fillets;
- sampling, sorting;
- labelling;
- packing;
- chilling;
- freezing;
- deep freezing;
- glazing;
- thawing;
- separation.

4. Notwithstanding paragraph 3, the tariff quotas shall be available for products intended for one or more of the following operations:
- dicing;
 - cutting into rings and cutting into strips for materials under CN codes 0307 43 91, 0307 43 92, 0307 43 99;
 - filleting;
 - production of flaps;
 - cutting of frozen blocks;
 - splitting of frozen interleaved fillet blocks to obtain individual fillets;
 - slicing for materials under CN codes ex 0303 66 11, 0303 66 12, 0303 66 13, 0303 66 19, 0303 89 70, 0303 89 90;

- subjecting products under CN codes 0306 16 99 (TARIC subdivisions 20 and 30), 0306 17 92 (TARIC subdivision 20), 0306 17 99 (TARIC subdivision 10), 0306 35 90 (TARIC subdivisions 12, 14, 92 and 93), 0306 36 90 (TARIC subdivisions 20 and 30), 1605 21 90 (TARIC subdivisions 45, 55 and 62) and 1605 29 00 (TARIC subdivisions 50, 55 and 60) to processing treatment by packaging gases as defined in Annex I to Regulation (EC) No 1333/2008 of the European Parliament and of the Council¹;
- dividing the frozen product or subjecting the frozen product to heat treatment to enable the removal of internal waste material for materials under CN codes 0306 11 10 (TARIC subdivision 10), 0306 11 90 (TARIC subdivision 20) and 0306 31 00 (TARIC subdivision 10).

Article 5

The Commission and the customs authorities of the Member States shall cooperate closely to ensure the proper management and control of the application of this Regulation.

¹ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

Article 6

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

It shall apply from 1 January 2019 to 31 December 2020.

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

Done at Brussels,

For the Council

The President

ANNEX

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2746	ex 0302 89 90	30	Southern red snapper (<i>Lutjanus purpureus</i>), fresh, chilled, for processing	1 500	0 %	1.1.2019-31.12.2020
09.2748	ex 0302 91 00 ex 0303 91 90 ex 0305 20 00	95 91 30	Hard fish roes enclosed in the ovarian membrane, fresh, chilled or frozen, salted or in brine, for processing	5 700	0 %	1.1.2019-31.12.2020
09.2750	ex 0305 20 00	35	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine, for the manufacture of caviar substitutes	1 500	0 %	1.1.2019-31.12.2020
09.2754	ex 0303 59 10	10	Anchovies (<i>Engraulis anchoita</i> and <i>Engraulis capensis</i>), frozen, for processing	500	0 %	1.1.2019-31.12.2020

¹ Expressed in net weight, unless otherwise stated.

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2759	ex 0302 51 10 ex 0302 51 90 ex 0302 59 10 ex 0303 63 10 ex 0303 63 30 ex 0303 63 90 ex 0303 69 10	20 10 10 10 10 10 10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , excluding livers and roes, fresh, chilled or frozen, for processing	95 000	0 %	1.1.2019-31.12.2020

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2760	ex 0303 66 11	10	Hake (<i>Merluccius</i> spp. excluding <i>Merluccius merluccius</i> , <i>Urophycis</i> spp.), and pink cusk-eel (<i>Genypterus blacodes</i> and <i>Genypterus capensis</i>), frozen, for processing	12 000	0 %	1.1.2019-31.12.2020
	ex 0303 66 12	10				
	ex 0303 66 13	10				
	ex 0303 66 19	11				
		91				
	ex 0303 89 70	10				
	ex 0303 89 90	30				
09.2761	ex 0304 79 50	10	Blue grenadier (<i>Macruronus</i> spp.), frozen fillets and other frozen meat, for processing	17 500	0 %	1.1.2019-31.12.2020
	ex 0304 79 90	11				
		17				
	ex 0304 95 90	11				
		17				

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2765	ex 0305 62 00 ex 0305 69 10	20 25 29 10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , salted or in brine, but not dried or smoked, for processing	3 500	0 %	1.1.2019-31.12.2020
09.2770	ex 0305 63 00	10	Anchovies (<i>Engraulis anchoita</i>), salted or in brine, but not dried or smoked, for processing	2 500	0 %	1.1.2019-31.12.2020
09.2772	ex 0304 93 10 ex 0304 94 10 ex 0304 95 10 ex 0304 99 10	10 10 10 10	Surimi, frozen, for processing	60 000	0 %	1.1.2019-31.12.2020

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2774	ex 0304 74 15 ex 0304 74 19 ex 0304 95 50	10 10 10 20	North Pacific hake (<i>Merluccius productus</i>) and Argentine hake (Southwest Atlantic hake) (<i>Merluccius hubbsi</i>), frozen fillets and other meat, for processing	25 000	0 %	1.1.2019-31.12.2020
09.2776	ex 0304 71 10 ex 0304 71 90 ex 0304 95 21 ex 0304 95 25	10 10 10 10	Cod (<i>Gadus morhua</i> , <i>Gadus macrocephalus</i>), frozen fillets and frozen meat, for processing	50 000	0 %	1.1.2019-31.12.2020
09.2777	ex 0303 67 00 ex 0304 75 00 ex 0304 94 90	10 10 10	Alaska pollack (<i>Theragra chalcogramma</i>), frozen, frozen fillets and other frozen meat, for processing	320 000	0 %	1.1.2019-31.12.2020

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2778	ex 0304 83 90 ex 0304 99 99	21 65	Flatfish, frozen fillets and other fish meat (<i>Limanda aspera</i> , <i>Lepidopsetta bilineata</i> , <i>Pleuronectes quadrituberculatus</i> , <i>Limanda ferruginea</i> , <i>Lepidopsetta polyxystra</i>), for processing	10 000	0 %	1.1.2019-31.12.2020
09.2785	ex 0307 43 91 ex 0307 43 92 ex 0307 43 99	10 10 21	Pod ¹ of squid (<i>Ommastrephes</i> spp. - excluding <i>Todarodes sagittatus</i> (synonym <i>Ommastrephes sagittatus</i>) -, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen, with skin and fins, for processing	28 000	0 %	1.1.2019-31.12.2020
09.2786	ex 0307 43 91 ex 0307 43 92 ex 0307 43 99	20 20 29	Squid (<i>Ommastrephes</i> spp. - excluding <i>Todarodes sagittatus</i> (synonym <i>Ommastrephes sagittatus</i>) -, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen, whole or tentacles and fins, for processing	5 000	0 %	1.1.2019-31.12.2020

¹ Body of cephalopod or the squid headless and without tentacle, with skin and fins.

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2788	ex 0302 41 00	10	Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), of a weight exceeding 100 g per piece or flaps of a weight exceeding 80 g per piece, excluding livers and roes, for processing	8 000	0 %	1.10.2019-31.12.2019
	ex 0303 51 00	10				1.10.2020-31.12.2020
	ex 0304 59 50	10				
	ex 0304 99 23	10				
09.2790	ex 1604 14 26	10	Fillets known as 'loins' of tunas and skipjack, for processing	30 000	0 %	1.1.2019-31.12.2020
	ex 1604 14 36	10				
	ex 1604 14 46	11				
		21				
		92				
		94				

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2794	ex 1605 21 90 ex 1605 29 00	45 62 50 55	Shrimps and prawns of the species <i>Pandalus borealis</i> , and <i>Pandalus montagui</i> , cooked and peeled, for processing	7 000	0 %	1.1.2019-31.12.2020
09.2798	ex 0306 16 99 ex 0306 35 90	20 30 12 14 92 93	Shrimps and prawns of the species <i>Pandalus borealis</i> and <i>Pandalus montagui</i> , in shells, fresh, chilled or frozen, for processing	4 000	0 %	1.1.2019-31.12.2020
09.2800	ex 16052190 ex16052900	55 60	Shrimps and prawns of the species <i>Pandalus jordani</i> , cooked and peeled, for processing	3 000	0 %	1.1.2019-31.12.2020

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2802	ex 0306 17 92 ex 0306 36 90	20 30	Shrimps and prawns of the species <i>Penaeus vannamei</i> and <i>Penaeus monodon</i> , whether in shell or not, fresh, chilled or frozen, not cooked, for processing	40 000	0 %	1.1.2019-31.12.2020
09.2824	ex 0302 52 00 ex 0303 64 00	10 10	Haddock (<i>Melanogrammus aeglefinus</i>) fresh, chilled or frozen with heads off, gilled and gutted, for processing	3 500	2,6 %	1.1.2019-31.12.2020
09.2826	ex 0306 17 99 ex 0306 36 90	10 20	Shrimps and prawns of the species <i>Pleoticus muelleri</i> , whether in shell or not, fresh, chilled or frozen, for processing	4 000	0 %	1.1.2019-31.12.2020
09.2804	ex 1605 40 00	40	Crayfish tails of the species <i>Procambarus clarkii</i> , cooked, for processing	4 000	0 %	1.1.2019-31.12.2020
09.2762	ex 0306 11 10 ex 0306 11 90 ex 0306 31 00	10 20 10	Rock lobster and other sea crawfish (<i>Palinurus</i> spp., <i>Panulirus</i> spp., <i>Jasus</i> spp.), live, chilled, frozen, for processing	200	6 %	1.1.2019-31.12.2020

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2784 ¹	ex 1605 10 00	21 95	Crabs of the species 'King' (<i>Paralithodes Camchaticus</i>), 'Hansaki' (<i>Paralithodes brevipes</i>), 'Kegani' (<i>Erimacrus isenbecki</i>), 'Queen' and 'Snow' (<i>Chionoecetes</i> spp.), 'Red' (<i>Geryon quinquedens</i>), 'Rough stone' (<i>Neolithodes asperrimus</i>), <i>Lithodes santolla</i> , 'Mud' (<i>Scylla serrata</i>), 'Blue' (<i>Portunus</i> spp.), simply boiled in water and shelled, whether or not frozen, in immediate packings of a net content of 2 kg or more, for processing	500	0 %	1.1.2019-31.12.2020
09.2822	ex 0303 11 00 ex 0303 12 00	20 20	Pacific Salmon, headed and gutted, frozen, of the species <i>Oncorhynchus nerka</i> (sockeye salmon (red salmon)) and <i>Oncorhynchus kisutch</i> , for processing	10 000	0 %	1.1.2019-31.12.2020

¹ This tariff quota (09.2784) is automatically deleted starting from 1 January of the year following that in which the Free Trade Agreement between the European Union and Vietnam enters into force or is applied provisionally, whichever occurs first.