Council of the European Union

Brussels, 3 November 2020
(OR. en)

11814/20

Interinstitutional File:
2020/0144 (NLE)

PECHE 315

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 2021-2023 period

COUNCIL REGULATION (EU) 2020/…

of …

opening and providing for the management
of autonomous Union tariff quotas
for certain fishery products for the 2021–2023 period

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 recent decades, the Union has become more dependent on imports to meet its demand for fishery products. In order to ensure that the Union's production of fishery products is not jeopardised and that there is an adequate supply of fishery products to its processing industry, import duties should be suspended or reduced for a number of fishery products within tariff quotas of an appropriate volume. To ensure fair competition between imported fishery products and Union fishery products on the Union market, the impact of the measures on the competitiveness of Union fish producers, should also be taken into consideration.

(2) Council Regulation (EU) 2018/1977[1] opened and provided for the management of autonomous Union tariff quotas for certain fishery products for the 2019–2020 period. Given that the period of application of that Regulation expires on 31 December 2020, a new regulation providing for tariff quotas should be adopted for the 2021–2023 period.

(3) All Union importers should benefit from equal and uninterrupted access to the tariff quotas provided for in this Regulation, and the rates set out 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) 2018/1977 of 11 December 2018 opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2019-2020 (OJ L 317, 14.12.2018, p. 2).

(4) Commission Implementing Regulation (EU) 2015/2447[1] provides for a system of tariff-quota management, which follows the chronological order of the dates on which the custom declarations for release for free circulation were accepted. 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 the adequate supply of fishery products to the Union's processing industry, a minimum level of treatment or operation should be required for quota entitlement.

(6) To ensure that the tariff quotas are managed in an efficient way, Member States should be allowed 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 suspended or reduced to fall 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 Implementing 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 Council[1].

Article 4

1. The suspension or reduction of import duties shall apply only to products intended for human consumption.

2. The tariff quotas shall not be available for 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:

(a) cleaning, gutting, tailing and heading;

(b) cutting;

(c) repacking of frozen individually quick-frozen (IQF) fillets;

(d) sampling and sorting;

(e) labelling;

(f) packing;

(g) chilling;

(h) freezing;

(i) deep-freezing;

(j) defrosting;

(k) glazing;

(l) thawing; and

(m) separation.

4. Notwithstanding paragraph 3, the tariff quotas shall be available for products intended for one or more of the following operations:

(a) dicing;

(b) cutting into rings and cutting into strips for materials under CN codes 0307 43 91, 0307 43 92 and 0307 43 99;

(c) filleting;

(d) production of flaps;

(e) cutting of frozen blocks;

(f) splitting of frozen interleaved fillet blocks to obtain individual fillets;

(g) slicing for materials under CN codes ex 0303 66 11, ex 0303 66 12, ex 0303 66 13, ex 0303 66 19, ex 0303 89 70 and ex 0303 89 90;

(h) treatment by packaging gases as defined in Annex I to Regulation (EC) No 1333/2008 of the European Parliament and of the Council[1] for products under CN codes 0306 16 99 (TARIC subdivision 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); and

(i) 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 2021 to 31 December 2023.

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
09.2503	ex 0303 39 85	80	Flatfish (*Limanda aspera, Lepidopsetta bilineata, Pleuronectes quadrituberculatus, Limanda ferruginea, Lepidopsetta polyxystra*), frozen, for processing	7 500	0 %	1.1.2021–31.12.2023
09.2504	0302 11 20		Trout of the species *Oncorhynchus mykiss*, with heads and gills on, gutted, weighing more than 1,2 kg each, or with heads off, gilled and gutted, weighing more than 1 kg each	10 000	5 %	1.1.2021–31.12.2023
09.2505	ex 0303 54 10	95	Chub mackerel (*Scomber japonicus*), whole, fillets and flaps, for processing	5 000	7,5 %	1.1.2021–31.12.2023
	ex 0304 89 49	20				
	ex 0304 99 99	12				
09.2746	ex 0302 89 90	30	Southern red snapper (*Lutjanus purpureus*), fresh, chilled, for processing	1 500	0 %	1.1.2021–31.12.2023
09.2748	ex 0302 91 00	96	Hard fish roes, fresh, chilled or frozen, salted or in brine, for processing	5 700	0 %	1.1.2021–31.12.2023
	ex 0303 91 90	96				
	ex 0305 20 00	41				

[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
09.2750	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	1 200	0 %	1.1.2021–31.12.2023
09.2754	ex 0303 59 10	10	Anchovies (*Engraulis anchoita* and *Engraulis capensis*), frozen, for processing	500	0 %	1.1.2021–31.12.2023
09.2759	ex 0302 51 10	20	Cod (*Gadus morhua, Gadus ogac, Gadus macrocephalus*) and fish of the species *Boreogadus saida*, excluding livers and roes, fresh, chilled or frozen, for processing	110 000	0 %	1.1.2021–31.12.2023
	ex 0302 51 90	10				
	ex 0302 59 10	10				
	ex 0303 63 10	10				
	ex 0303 63 30	10				
	ex 0303 63 90	10				
	ex 0303 69 10	10				
09.2760	ex 0303 66 11	10	Hake (*Merluccius* spp. excluding *Merluccius merluccius, Urophycis* spp.), and pink cusk-eel (*Genypterus blacodes* and *Genypterus capensis),* frozen, for processing	10 000	0 %	1.1.2021–31.12.2023
	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				

Order no	CN code	TARIC code	Description	Annual amount of quota (tonnes)[1]	Quota duty	Quota period
09.2761	ex 0304 79 50	10	Blue grenadier (*Macruronus* spp.), frozen fillets and other frozen meat, for processing	17 500	0 %	1.1.2021–31.12.2023
	ex 0304 79 90	11				
		17				
	ex 0304 95 90	11				
		17				
09.2762	ex 0306 11 10	10	Rock lobster and other sea crawfish (*Palinurus* spp., *Panulirus* spp., *Jasus* spp.), live, chilled, frozen, for processing	200	0 %	1.1.2021–31.12.2023
	ex 0306 11 90	20				
	ex 0306 31 00	10				
09.2765	ex 0305 62 00	20	Cod (*Gadus morhua, Gadus ogac, Gadus macrocephalus*) and fish of the species *Boreogadus saida*, salted or in brine, but not dried or smoked, for processing	2 000	0 %	1.1.2021–31.12.2023
		25				
		29				
	ex 0305 69 10	10				
09.2770	ex 0305 63 00	10	Anchovies (*Engraulis anchoita*), salted or in brine, but not dried or smoked, for processing	1 500	0 %	1.1.2021–31.12.2023

Order no	CN code	TARIC code	Description	Annual amount of quota (tonnes)[1]	Quota duty	Quota period
09.2772	ex 0304 93 10	10	Surimi, frozen, for processing	60 000	0 %	1.1.2021–31.12.2023
	ex 0304 94 10	10				
	ex 0304 95 10	10				
	ex 0304 99 10	10				
09.2774	ex 0304 74 15	10	Pacific hake (*Merluccius productus*) and Argentine hake (Southwest Atlantic hake) (*Merluccius hubbsi*), frozen fillets and other meat, for processing	40 000	0 %	1.1.2021–31.12.2023
	ex 0304 74 19	10				
	ex 0304 95 50	10				
		20				
09.2776	ex 0304 71 10	10	Cod (*Gadus morhua, Gadus macrocephalus*), frozen fillets and frozen meat, for processing	50 000	0 %	1.1.2021–31.12.2023
	ex 0304 71 90	10				
	ex 0304 95 21	10				
	ex 0304 95 25	10				
09.2777	ex 0303 67 00	10	Alaska pollack (*Theragra chalcogramma*), frozen, frozen fillets and other frozen meat for processing	340 000	0 %	1.1.2021–31.12.2023
	ex 0304 75 00	10				
	ex 0304 94 90	10				
09.2778	ex 0304 83 90	21	Flatfish (*Limanda aspera, Lepidopsetta bilineata, Pleuronectes quadrituberculatus, Limanda ferruginea, Lepidopsetta polyxystra*), frozen fillets and other fish meat, for processing	10 000	0 %	1.1.2021–31.12.2023
	ex 0304 99 99	65				

Order no	CN code	TARIC code	Description	Annual amount of quota (tonnes)[1]	Quota duty	Quota period
09.2785	ex 0307 43 91	10	Pod[1] of squid (*Ommastrephes* spp. – excluding *Todarodes sagittatus* (synonym *Ommastrephes sagittatus*) -, *Nototodarus* spp., *Sepioteuthis* spp.) and *Illex* spp., frozen, with skin and fins, for processing	20 000	0 %	1.1.2021–31.12.2023
	ex 0307 43 92	10				
	ex 0307 43 99	21				
09.2786	ex 0307 43 91	20	Squid (*Ommastrephes* spp. – excluding *Todarodes sagittatus* (synonym *Ommastrephes sagittatus*) -, *Nototodarus* spp., *Sepioteuthis* spp.) and *Illex* spp., frozen, whole or tentacles and fins, for processing	5 000	0 %	1.1.2021–31.12.2023
	ex 0307 43 92	20				
	ex 0307 43 99	29				
09.2788	ex 0302 41 00	10	Herrings (*Clupea harengus, Clupea pallasii*), of a weight exceeding 100 g per piece or flaps of a weight exceeding 80 g per piece, excluding livers and roes, for processing	10 000	0 %	1.10.2021–14.02.2022 1.10.2022–14.02.2023 1.10.2023–31.12.2023
	ex 0303 51 00	10				
	ex 0304 59 50	10				
	ex 0304 99 23	10				

[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
09.2790	ex 1604 14 26	10	Fillets known as 'loins' of tunas and skipjack, for processing	35 000	0 %	1.1.2021–31.12.2023
	ex 1604 14 36	10				
	ex 1604 14 46	11				
		21				
		92				
		94				
09.2792	ex 1604 12 99	16	Herrings, spiced and/or vinegar-cured, in brine, preserved in barrels of at least 70 kg net drained weight, for processing	5 000	10 %	1.1.2021–31.12.2023
09.2794	ex 1605 21 90	45	Shrimps and prawns of the species *Pandalus borealis,* and *Pandalus montagui*, cooked and peeled, for processing	4 500	0 %	1.1.2021–31.12.2023
		62				
	ex 1605 29 00	50				
		55				

Order no	CN code	TARIC code	Description	Annual amount of quota (tonnes)[1]	Quota duty	Quota period
09.2798	ex 0306 16 99	20	Shrimps and prawns of the species *Pandalus borealis* and *Pandalus montagui*, in shells, fresh, chilled or frozen for processing	2 000	0 %	1.1.2021–31.12.2023
		30				
	ex 0306 35 90	12				
		14				
		92				
		93				
09.2800	ex 1605 21 90	55	Shrimps and prawns of the species *Pandalus jordani,* cooked and peeled, for processing	2 000	0 %	1.1.2021–31.12.2023
	ex 1605 29 00	60				
09.2802	ex 0306 17 92	20	Shrimps and prawns of the specie *Penaeus vannamei* and *Penaeus monodon*, whether in shell or not, fresh, chilled or frozen, not cooked, for processing	48 000	0 %	1.1.2021–31.12.2023
	ex 0306 36 90	30				
09.2804	ex 1605 40 00	40	Crayfish tails of the species *Procambarus clarkii*, cooked, for processing	2 500	0 %	1.1.2021–31.12.2023
09.2821	0307 43 33		Squid of the species *Loligo pealei*, frozen	1 000	0 %	1.1.2021–31.12.2023

Order no	CN code	TARIC code	Description	Annual amount of quota (tonnes)[1]	Quota duty	Quota period
09.2822	ex 0303 11 00	20	Pacific salmon of the species *Oncorhynchus nerka* (sockeye salmon (red salmon)), *Oncorhynchus kisutch, Oncorhynchus keta* and *Oncorhynchus tschawytscha*, headed and gutted, and in the form of fillets, frozen, for processing	10 000	0 %	1.1.2021–31.12.2023
	ex 0303 12 00	20				
	ex 0304 81 00	20				
09.2823	ex 0303 81 15	10	Piked dogfish (*Squalus acanthias*), whole, fillet and other fish meat, frozen, for processing	2 000	0 %	1.1.2021–31.12.2023
	ex 0304 88 11	10				
	ex 0304 96 10	10				
09.2824	ex 0302 52 00	10	Haddock *(Melanogrammus aeglefinus)* fresh, chilled or frozen with heads off, gilled and gutted, for processing	3 500	0 %	1.1.2021–31.12.2023
	ex 0303 64 00	10				
09.2826	ex 0306 17 99	10	Shrimps and prawns of the specie *Pleoticus muelleri*, whether in shell or not, fresh, chilled or frozen, for processing	8 000	0 %	1.1.2021–31.12.2023
	ex 0306 36 90	20				