Council of the
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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL REGULATION amending Regulation (EU) 2018/1977 opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2019-2020

COUNCIL REGULATION (EU) 2020/…

of …

amending Regulation (EU) 2018/1977 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) Council Regulation (EU) 2018/1977[1] opens and provides for the management of autonomous Union tariff quotas for certain fishery products for the period 2019-2020. Appropriate volumes have been decided for each tariff quota to ensure adequate supply to the Union processing industry for the period 2019-2020.

(2) Within the tariff quota applicable under order number 09.2750, listed in the Annex to Regulation (EU) 2018/1977, only products covered by CN code ex 0305 20 00 with TARIC code 35 are those which correspond to the description 'hard fish roes washed, cleaned of adherent organs and simply salted or in brine, for the manufacture of caviar substitutes'.

(3) However, under Council Regulation (EU) 2015/2265[2], which preceded Regulation (EU) 2018/1977, the tariff quota concerned referred to CN code ex 1604 32 00 with TARIC code 20, being those products which correspond to the description 'hard fish roes washed, cleaned of adherent organs and simply salted or in brine, for the processing of caviar substitutes'.

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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).

2 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).

(4) The discrepancy between the two Regulations as regards the relevant CN codes, with regard to the same order number, made it difficult for the Union processing industry to interpret the relevant provisions and to understand the difference between the two CN codes. This lack of clarity had a negative impact on the Union processing industry.

(5) It is appropriate to amend the list of products covered by the tariff quota for order number 09.2750 so as to also include, for a limited period of one year, the CN code ex 1604 32 00 with TARIC code 20. In addition, a footnote should be added referring to those CN and TARIC codes and the period from 1 January 2019 to 31 December 2019.

(6) Regulation (EU) 2018/1977 should therefore be amended accordingly.

(7) The period in which the quotas opened by Regulation (EU) 2018/1977 apply in the first year runs from 1 January 2019 to 31 December 2019. Since it is necessary to ensure equal treatment of economic operators and taking into account that the tariff quota under order 09.2752 is not yet exhausted, this Regulation should be applied retroactively with effect from 1 January 2019 so as to offer the opportunity for economic operators using hard fish roes (finished products) to keep the benefit of the favourable quota duty without interruption for a limited period of time. Consequently, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The third row of the Annex to Regulation (EU) 2018/1977 (order No 09.2750), is amended as follows:

(1) the entry under the column ‘CN code’ is replaced by the following:

‘ex 0305 20 00

ex 1604 32 00’;

(2) the entry under the column ‘TARIC code’ is replaced by the following:

‘35

20’;

(3) the following footnote is added to the column ‘description’ after the word ‘caviar substitutes’:

‘For TARIC code 1604 32 00 20 this tariff quota applies from 1 January 2019 to 31 December 2019’.

Article 2

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

It shall apply from 1 January 2019.

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

Done at Brussels,

For the Council
The President