# Council Regulation (EU) 2020/1785 of 16 November 2020 opening and providing for the administration of autonomous Union tariff quotas for imports of certain fishery products into the Canary Islands from 2021 to 2027

## COUNCIL REGULATION (EU) 2020/1785

## of 16 November 2020

## opening and providing for the administration of autonomous Union tariff quotas for imports of certain fishery products into the Canary Islands from 2021 to 2027

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 349 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

After consulting the European Parliament,

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with a special legislative procedure,

Whereas:

(1) The exceptional geographical situation of the Canary Islands in relation to the sources of supply of certain fishery products which are essential for domestic consumption entails additional costs for this sector. This natural handicap, as recognised in Article 349 of the Treaty, which results from insularity, remoteness and the outermost location of the Canary Islands, can be remedied, inter alia, by temporarily suspending customs duties on imports of the products in question from third countries within Union autonomous tariff quotas of an appropriate volume.

(2) Council Regulation (EU) No 1412/2013[(2)] opened and provided for the administration of autonomous Union tariff quotas for imports of certain fishery products into the Canary Islands for the period from 1 January 2014 to 31 December 2020.

(3) In July 2019, the Commission submitted to the Council an examination of the impact of the measures, providing options for the period after 31 December 2020.

(4) The examination showed that the utilisation rate of quotas 09.2997 and 09.2651 was significant. Under quota 09.2651, CN code 0308 was not utilised.

(5) Tariff quotas similar to those opened by Regulation (EU) No 1412/2013 for certain fishery products are justified because they would cover the needs of the Canary Islands' domestic market while ensuring that flows of duty-free imports into the Union remain predictable and clearly identifiable.

**Changes to legislation:** *There are currently no known outstanding effects for the Council Regulation (EU) 2020/1785. (See end of Document for details)*

(6) Therefore, with the aim of giving a long-term perspective to economic operators to reach a level of activity which stabilises the economic and social environment of the Canary Islands, it is appropriate to extend the autonomous tariff quota regime of the Common Customs Tariff duties for an additional period for certain goods as set out in the Annex to this Regulation.

(7) In order to avoid undermining the integrity and coherence of the internal market, measures should be taken to ensure that fishery products for which suspension is granted are intended solely for the Canary Islands' domestic market.

(8) Measures should be taken to ensure that the Commission is kept regularly informed of the volume of imports in question, so that, if necessary, it can take steps to prevent any speculative movement or deflection of trade.

(9) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission allowing the Commission to temporarily withdraw the suspension in the case of a deflection of trade. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(3)]. The final decision on whether the suspension should be maintained or withdrawn definitely should, however, be made by the Council in accordance with Article 349 of the Treaty within the time period for which the suspension is temporarily withdrawn by the Commission.

(10) The measures provided for in this Regulation should ensure continuity after Regulation (EU) No 1412/2013 expires. Therefore, it is appropriate to apply the measures provided for in this Regulation from 1 January 2021 until 31 December 2027,

HAS ADOPTED THIS REGULATION:

*Article 1*

1 From 1 January 2021 to 31 December 2027, the Common Customs Tariff duties applicable to imports into the Canary Islands of the fishery products listed in the Annex to this Regulation shall be suspended in full for the quantities indicated in that Annex.

2 The suspension referred to in paragraph 1 shall be granted exclusively for products intended for the Canary Islands' domestic market. It shall only apply to fishery products which are unloaded from ship or aircraft before the customs declaration for release into free circulation is submitted to the customs authorities in the Canary Islands.

*Article 2*

The tariff quotas referred to in Article 1 of this Regulation shall be managed in accordance with Articles 49 to 54 of Commission Implementing Regulation (EU) 2015/2447[(4)].

*Article 3*

By 30 June 2026, the competent Spanish authorities shall submit a report to the Commission on the implementation of the measures provided for in Article 1. The Commission shall examine the impact of those measures and, taking into account the findings of the report, shall submit to the Council any relevant proposals for the period after 2027.

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2020/1785. (See end of Document for details)*

*Article 4*

1 Where the Commission has reasons to believe that the suspensions provided for in this Regulation have led to a deflection of trade for a specific product, it may adopt implementing acts to temporarily withdraw the suspension for a period not longer than 12 months. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 5(2).

The payment of the import duties for products for which the suspension has been temporarily withdrawn shall be secured by a guarantee, and the release of the products concerned for free circulation in the Canary Islands shall be conditional upon the provision of such guarantee.

2 Within the period referred to in the first subparagraph of paragraph 1, the Council shall adopt a final decision in accordance with Article 349 of the Treaty as to whether to maintain or to definitively withdraw the suspension referred to in paragraph 1. If the suspension is definitively withdrawn, the amounts of duties secured by guarantees shall be collected definitively.

3 If no definitive decision has been adopted within the maximum period of 12 months in accordance with paragraph 2, the security guarantees shall be released.

*Article 5*

1 The Commission shall be assisted by the Customs Code Committee established by Article 285 of Regulation (EU) No 952/2013 of the European Parliament and of the Council[(5)]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

*Article 6*

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

*Article 7*

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 2027.

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

Done at Brussels, 16 November 2020.

*For the Council*

*The President*

M. ROTH