Council Regulation (EU) 2020/1706 of 13 November 2020 opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the 2021–2023 period

COUNCIL REGULATION (EU) 2020/1706

of 13 November 2020

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.

(4) Commission Implementing Regulation (EU) 2015/2447[(2)] 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.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2020/1706. (See end of Document for details)*

(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:

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[(3)].

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.

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;

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2020/1706. (See end of Document for details)*

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[(4)] 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.

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, 13 November 2020.

For the Council

The President

M. ROTH

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2020/1706. (See end of Document for details)*

ANNEX

Order no	CN code	TARIC code	Description	Annual amount of quota (tonnes)[a]	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*),	1 500	0 %	1.1.2021–31.12.2023

a Expressed in net weight, unless otherwise stated.

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

			fresh, chilled, for processing			
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				
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				

a Expressed in net weight, unless otherwise stated.

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