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

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

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) 2015/2265[(1)], which was amended by Council Regulation (EU) 2016/1184[(2)], 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.

(4) Commission Implementing Regulation (EU) 2015/2447[(3)] 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.

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2018/1977. (See end of Document for details)*

(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:

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 Council[(4)].

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.

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;

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2018/1977. (See end of Document for details)*

— 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 Council[(5)];
— 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 2019 to 31 December 2020.

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

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2018/1977. (See end of Document for details)*

ANNEX

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes)[a]	Quota duty	Quota period
09.2746	ex 0302 89 90	30	Southern red snapper (*Lutjanus purpureus*), fresh, chilled, for processing	1 500	0 %	1.1.2019-31.12.2020
09.2748	ex 0302 91 00	95	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
	ex 0303 91 90	91				
	ex 0305 20 00	30				
09.2750	[F2ex 0305 20 00 ex 1604 32 00]	[F235 20]	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine, for the manufacture of caviar substitutes[d]	1 500	0 %	1.1.2019-31.12.2020
09.2754	ex 0303 59 10	10	Anchovies (*Engraulis anchoita* and *Engraulis capensis*),	500	0 %	1.1.2019-31.12.2020

a Expressed in net weight, unless otherwise stated.

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

c 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.

d [F1For TARIC code 1604 32 00 20 this tariff quota applies from 1 January 2019 to 31 December 2019.]

			frozen, for processing			
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	95 000	0 %	1.1.2019-31.12.2020
	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	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 (*Macruronus* spp.), frozen fillets and other frozen	17 500	0 %	1.1.2019-31.12.2020
	ex 0304 79 90	11				
		17				

a Expressed in net weight, unless otherwise stated.

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

c 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.

d **[**[F1]For TARIC code 1604 32 00 20 this tariff quota applies from 1 January 2019 to 31 December 2019.**]**