Commission Implementing Regulation (EU) 2018/1607 of 24 October 2018 amending Council Regulation (EC) No 992/95 as regards Union tariff quotas for certain agricultural, processed agricultural and fishery products originating in Norway

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1607

of 24 October 2018

amending Council Regulation (EC) No 992/95 as regards Union tariff quotas for certain agricultural, processed agricultural and fishery products originating in Norway

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 992/95 of 10 April 1995 opening and providing for the administration of Community tariff quotas for certain agricultural and fishery products originating in Norway[(1)], and in particular Article 5(1)(a) and (b) thereof,

Whereas:

(1) In 2018, an agreement was concluded in the form of an Exchange of Letters between the European Union and the Kingdom of Norway concerning additional trade preferences in agricultural products[(2)] ('the 2018 Agreement'). It was approved on behalf of the Union by Council Decision (EU) 2018/760[(3)].

(2) Annex IV to the 2018 Agreement provides for new duty-free tariff quotas for release for free circulation in the Union of certain agricultural and processed agricultural products originating in Norway, as well as for the increase in the volume of the tariff quota for CN code 2005 20 20 set out in Regulation (EC) No 992/95. It is necessary to amend Regulation (EC) No 992/95 to implement those provisions.

(3) Regulation (EC) No 992/95 and Commission Implementing Regulation (EU) No 1354/2011[(4)] set out tariff quotas for products originating in Norway falling within headings 0210 and 0204, respectively. Annex IV to the 2018 Agreement provides for the consolidation of those tariff quotas into a single tariff quota. Therefore, it is necessary to amend Regulation (EC) No 992/95 in order to implement the consolidation under a new tariff quota and to provide for the transition to the new tariff quota. Additionally, the tariff quota corresponding to heading 0210 should be deleted from Regulation (EC) No 992/95. The simultaneous deletion of the tariff quotas corresponding to heading 0204 from Implementing Regulation (EU) No 1354/2011 is provided for in Commission Implementing Regulation (EU) 2018/1232[(5)].

(4) Regulation (EC) No 992/95 provides for the administration of tariff quotas which concern either products of CN Chapters 3, 15 and 16 related to fish or other agricultural products of CN Chapters 2, 6, 7, 8, 16, 20 and 23. Its Article 1(3) provides that the rules of origin applicable are those set out in Protocol 3 to the Agreement between the European Economic Community and the Kingdom of Norway concerning the definition

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/1607. (See end of Document for details)*

of the concept of 'originating products' and methods of administrative cooperation, as amended by Decision of the EU-Norway Joint Committee No 1/2016[6].

(5) However, the 2018 Agreement sets out that in order to benefit from the concessions referred to in its Annex IV, products should comply with the rules of origin set out in Annex IV to the Agreement in the form of an Exchange of Letters of 2 May 1992 between the European Economic Community and the Kingdom of Norway concerning certain arrangements in agriculture[7] ('the 1992 Agreement'). Additionally, it provides that regarding the concept of sufficient working to confer the status of originating products, Annex II to Protocol 4 to the Agreement on the European Economic Area is to be applied instead of the Appendix to Annex IV to the 1992 Agreement[8][9].

(6) The tariff quotas set out in Regulation (EC) No 992/95 that concern products other than the products of CN Chapters 3, 15 and 16 are provided for either in the 1992 Agreement, or in the Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning additional trade preferences in agricultural products undertaken on the basis of Article 19 of the Agreement on the European Economic Area[10], or in the Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Norway concerning additional trade preferences in agricultural products reached on the basis of Article 19 of the Agreement on the European Economic Area[11]. All of those Agreements provide for the rules of origin set out in Annex IV to the 1992 Agreement to apply to the tariff quotas they concern. Regulation (EC) No 992/95 should therefore be amended to take account of the applicability of the rules of origin set out in Annex IV to the 1992 Agreement.

(7) In order to take account of a large number of minor amendments to the Combined Nomenclature codes laid down in Council Regulation (EEC) No 2658/87[12] and of the TARIC subdivisions, it is appropriate to replace the Annex to Regulation (EC) No 992/95. For reasons of clarity, the tariff quotas set out in Regulation (EC) No 992/95 should be divided into two separate Annexes according to the rules of origin set out in the agreements providing for the respective tariff quotas for fishery products and for agricultural products.

(8) The tariff quotas set out in Annex IV to the 2018 Agreement are expressed as annual quantities; imports should therefore be managed on a calendar-year basis. However, as the 2018 Agreement only enters into force on 1 October 2018, the additional quantities for 2018 that are calculated *pro rata*, as well as the annual quantities for the following years, should be laid down in accordance with Annex IV to the 2018 Agreement.

(9) The tariff quotas should be managed by the Commission on the basis of the chronological order of dates of acceptance of customs declarations for release for free circulation in accordance with the rules for the management of tariff quotas laid down in Commission Implementing Regulation (EU) 2015/2447[13].

(10) Regulation (EC) No 992/95 should therefore be amended accordingly.

(11) The 2018 Agreement enters into force on 1 October 2018. This Regulation should therefore apply from the same date.

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(12) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 992/95 is amended as follows:

(1) Article 1(3) is replaced by the following:

3. Protocol 3 to the Agreement between the European Economic Community and the Kingdom of Norway concerning the definition of the concept of 'originating products' and methods of administrative cooperation, as amended by Decision of the EU-Norway Joint Committee No 1/2016[14], shall apply to the tariff quotas set out in Annex I to this Regulation.

3a The rules of origin laid down in Annex IV to the Agreement in the form of an Exchange of Letters of 2 May 1992 between the European Economic Community and the Kingdom of Norway concerning certain arrangements in agriculture[15] ('the 1992 Agreement') shall apply to the tariff quotas set out in Annex II to this Regulation.

However, Annex II to Protocol 4 to the Agreement on the European Economic Area[16], as that Protocol was amended by Decision of the EEA Joint Committee No 71/2015[17], shall apply to those tariff quotas instead of the Appendix to the 1992 Agreement.;

(2) the Annex is replaced by the text in the Annex to this Regulation.

Article 2

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 October 2018.

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

Done at Brussels, 24 October 2018.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2018/1607. (See end of Document for details)*

ANNEX

ANNEX **N**otwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of this Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by the application of the CN code and the corresponding description taken together.

Order No	**CN code**		**TARIC subdivision**	**Description of products**	**Quota period**	**Quota volume (in tonnes net weight unless otherwise specified)**	**Quota duty (%)**
09.0701	ex	1504 20 10	90	Oils and fats and their fractions of marine animals, other than whale oil and sperm oil, in packings of a net capacity of more than 1 kg	From 1.1 to 31.12	1 000	8,5
	ex	1504 30 10	99				
09.0702		0303 19 00		Other frozen *Salmonidae*, excluding fish fillets and other fish meat of	From 1.9.2016 to 30.4.2017	2 000	0
	ex	0303 99 00	35		From 1.5.2017	3 000	

a As the Most-Favoured-Nation ('MFN') duty is free from 15 February to 15 June, the benefit of the tariff quota shall not be granted to goods declared for release for free circulation during this period.

b As for goods of CN code 0304 99 23, the MFN duty is free from 15 February to 15 June, the benefit of the tariff quota shall not be granted to goods declared for free circulation during this period.

c As for goods of CN code 0304 59 50, the MFN duty is free from 15 February to 15 June, the benefit of the tariff quota shall not be granted to goods declared for free circulation during this period.

d Entry under this subheading is subject to the conditions laid down in the relevant provisions of the European Union [see Article 254 of 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)].

				heading 0304 and excluding livers and roes	to 30.4.2018		
					From 1.5.2018 to 30.4.2019	3 000	
					From 1.5.2019 to 30.4.2020	3 000	
					From 1.5.2020 to 30.4.2021	3 000	
09.0703	ex	0305 51 90	10 20	Dried, salted but not smoked cod, excluding cod of the species *Gadus macrocephalus*	From 1.4 to 31.12	13 250	0
	ex	0305 53 10	90	Dried, salted but not smoked fish of the species *Boreogadus saida*			
09.0710		0303 51 00		Herrings (*Clupea harengus*, *Clupea pallasii*), frozen, excluding fish fillets and other	From 1.9.2016 to 30.4.2017	26 500	0
	ex	0303 99 00	75		From 1.5.2017 to 30.4.2018	39 750	

a As the Most-Favoured-Nation ('MFN') duty is free from 15 February to 15 June, the benefit of the tariff quota shall not be granted to goods declared for release for free circulation during this period.

b As for goods of CN code 0304 99 23, the MFN duty is free from 15 February to 15 June, the benefit of the tariff quota shall not be granted to goods declared for free circulation during this period.

c As for goods of CN code 0304 59 50, the MFN duty is free from 15 February to 15 June, the benefit of the tariff quota shall not be granted to goods declared for free circulation during this period.

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