Commission Implementing Regulation (EU) 2016/1422 of 24 August 2016 amending Council Regulation (EC) No 992/95 as regards Union tariff quotas for certain agricultural and fishery products originating in Norway

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1422

of 24 August 2016

amending Council Regulation (EC) No 992/95 as regards Union tariff quotas for certain 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) By Decision (EU) 2016/837[(2)], the Council authorised the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union, Iceland, the Principality of Liechtenstein and the Kingdom of Norway on an EEA Financial Mechanism 2014-2021, the Agreement between the Kingdom of Norway and the European Union on a Norwegian Financial Mechanism for the period 2014-2021, the Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway and the Additional Protocol to the Agreement between the European Economic Community and Iceland.

(2) The text of the Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway ('the Additional Protocol') which is attached to Decision (EU) 2016/837 provides for the renewal of seven duty-free tariff quotas that ended on 30 April 2014 and for three new duty-free tariff quotas for release for free circulation in the European Union of certain fish and fishery products originating in Norway.

(3) In accordance with the Additional Protocol, the volumes of the tariff quotas covering the period from 1 May 2014 until the date on which the provisional application of the Additional Protocol becomes effective shall be proportionally allocated and made available for the period from the date of provisional application of the Additional Protocol until 30 April 2021.

(4) It is necessary to amend Regulation (EC) No 992/95 in order to implement the tariff quotas laid down in the Additional Protocol.

(5) The tariff quotas should apply from the date on which the provisional application of the Additional Protocol becomes effective until 30 April 2021. This Regulation should therefore apply from the date of provisional application of the Additional Protocol laid down in Article 3 of Decision (EU) 2016/837.

(6) Regulation (EU) No 1379/2013 of the European Parliament and of the Council[3] repealed Council Regulation (EC) No 104/2000[4] and ended the system of reference prices for fishery products. It is therefore necessary to delete the condition laid down in Article 1(2) of Regulation (EC) No 992/95 on respecting reference prices.

(7) Protocol 3 to the Agreement between the European Economic Community and the Kingdom of Norway defining the concept of originating products and setting out the methods of administrative cooperation has been amended by Decision No 1/2016 of the EU-Norway Joint Committee of 8 February 2016[5]. It is therefore necessary to provide that Protocol 3 as amended is to apply.

(8) Tariff quotas under order numbers 09.0760, 09.0763 and 09.0778 applied in accordance with the Annex to Council Regulation (EC) No 1920/2004[6] from 2005 to 2009. It is therefore necessary to delete Article 2a of Regulation (EC) No 992/95 referring to those tariff quotas.

(9) Rules on the management of tariff quotas are laid down in Commission Implementing Regulation (EU) 2015/2447[7] replacing Commission Regulation (EEC) No 2454/93[8] from 1 May 2016. Article 3 of Regulation (EC) No 992/95 should be amended to take account of the new rules.

(10) The Annex to Regulation (EC) No 992/95 should be amended in order to take account of amendments of the Combined Nomenclature codes ('CN codes') laid down in Council Regulation (EEC) No 2658/87[9], and of the Taric subdivisions. For reasons of clarity it is appropriate to replace the Annex to Regulation (EC) No 992/95 in its entirety.

(11) 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 is amended as follows:

(a) paragraph 2 is deleted;

(b) paragraph 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, shall apply[10].;

(2) Article 2a is deleted;

(3) Article 3 is replaced by the following:

Article 3

The tariff quotas set out in this Regulation shall be managed in accordance with Articles 49 to 54 of Commission Implementing Regulation (EU) 2015/2447[11].;

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/1422. (See end of Document for details)*

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

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 September 2016.

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

Done at Brussels, 24 August 2016.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/1422. (See end of Document for details)*

ANNEX

‘ANNEXNotwithstanding 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 application of the CN code and 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 ex 1504 30 10	90 99	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
09.0702	0303 19 00		Other frozen *Salmonidae*, excluding fish fillets and other fish meat of heading 0304 and	From 1.9.2016 to 30.4.2017	2 000	0
				From 1.5.2017 to 30.4.2018	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)).
e	The specific additional duty shall be applied.’

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/1422. (See end of Document for details)*

			excluding livers and roes	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 59 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 fish meat of heading 0304 and excluding	From 1.9.2016 to 30.4.2017	26 500	0
				From 1.5.2017 to 30.4.2018	39 750	
				From 1.5.2018 to 30.4.2019	39 750	
				From 1.5.2019 to 30.4.2020	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.

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)).

e The specific additional duty shall be applied.’