Council Regulation (EU) 2015/2265 of 7 December 2015 opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2016-2018

COUNCIL REGULATION (EU) 2015/2265

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opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2016-2018

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 18 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 also be taken into consideration.

(2) Council Regulation (EU) No 1220/2012[(1)] opened and provided for the management of autonomous Union tariff quotas for certain fishery products for the period 2013-2015. Given that the period of application of that Regulation expires on 31 December 2015, it is important that the relevant rules contained therein be reflected in the period 2016-2018.

(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 Regulation (EEC) No 2454/93[(2)] provides for a system of tariff-quota management which follows the chronological order of the dates of acceptance of the 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) The application of the Comprehensive Economic and Trade Agreement between the European Union and Canada will alter the available preferential access to the Union market for shrimps and prawns of the species *Pandalus borealis* covered by a tariff quota provided for in this Regulation. That quota should therefore be adapted to ensure

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the same level of preferential supply to the Union market as before the entry into force or provisional application of that Agreement.

(6) The application of the additional protocol to the agreement between the European Economic Community and the Kingdom of Norway that was negotiated in parallel to the EEA Financial Mechanism 2014-2021 will alter the available preferential access to the Union market for herrings covered by two tariff quotas provided for in this Regulation. Those quotas should therefore be adapted to ensure the same level of preferential supply to the Union market as before the entry into force or provisional application of that additional protocol.

(7) It is important to provide the fishery processing industry with security of supply of raw fishery materials to permit continued growth and investment, and, most importantly, to enable it to adapt to the replacement of suspensions by quotas without any disruption of supply. It is therefore appropriate to provide, in respect of certain fishery products to which suspensions have applied, for a system which triggers an automatic increase of the applicable tariff quotas under certain conditions.

(8) 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 308a and 308b and Article 308c(1) of Regulation (EEC) No 2454/93.

Article 3

1 The tariff quota applicable under order number 09.2794 for shrimps and prawns of the species *Pandalus borealis* and *Pandalus montagui*, cooked and peeled, for processing, set in the Annex to this Regulation at 30 000 tonnes per year, shall be automatically reduced to 7 000 tonnes per year starting from 1 January of the year following that in which the Comprehensive Economic and Trade Agreement between the European Union and Canada enters into force or is applied provisionally, whichever occurs first.

2 The tariff quota applicable under order number 09.2788 for herrings, of a weight exceeding 100 g per piece or flaps of a weight exceeding 80 g per piece, for processing, set in the Annex to this Regulation at 17 500 tonnes per year, shall be automatically reduced to 12 000 tonnes per year starting two months after the additional protocol to the agreement between the European Economic Community and the Kingdom of Norway that was negotiated in parallel to the EEA Financial Mechanism 2014-2021 enters into force or is applied provisionally,

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whichever occurs first. However, no automatic reduction shall apply where the available balance of that tariff quota at the relevant moment is lower than or equal to 12 000 tonnes.

3 The tariff quota applicable under order number 09.2792 for herrings, spiced and/or vinegar-cured, in brine, preserved in barrels of at least 70 kg net drained weight, for processing, set in the Annex to this Regulation at 15 000 tonnes per year, shall be automatically reduced to 7 500 tonnes per year starting two months after the additional protocol to the agreement between the European Economic Community and the Kingdom of Norway that was negotiated in parallel to the EEA Financial Mechanism 2014-2021 enters into force or is applied provisionally, whichever occurs first. However, no automatic reduction shall apply where the available balance of that tariff quota at the relevant moment is lower than or equal to 7 500 tonnes.

4 The Commission shall without undue delay inform Member States that the conditions established in paragraphs 1 to 3 have been fulfilled and shall publish information on the newly applicable tariff quota in the C series of the *Official Journal of the European Union*.

Article 4

1 Without undue delay, the Commission shall ascertain whether, as of 30 September of the relevant calendar year, 80 % of the annual tariff quota in respect of a fishery product to which this Article applies in accordance with the Annex has been used. If that is the case, the annual tariff quota set in the Annex shall be deemed to be automatically increased by 20 %. The increased annual tariff quota shall be the applicable tariff quota in respect of that fishery product for the relevant calendar year.

2 At the request of at least one Member State and without prejudice to paragraph 1, the Commission shall ascertain whether 80 % of the annual tariff quota in respect of a fishery product to which this Article applies in accordance with the Annex has been used prior to 30 September of the relevant calendar year. If that is the case, paragraph 1 shall apply.

3 The Commission shall without undue delay inform Member States that the conditions established in paragraphs 1 or 2 have been fulfilled and shall publish information on the newly applicable tariff quota in the C series of the *Official Journal of the European Union*.

4 No further increase may apply for the relevant calendar year to a tariff quota increased according to paragraph 1.

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 2016 to 31 December 2018.

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

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ANNEX

Order No	CN code	TARIC subdivision	Description	Annual amount of quota (tonnes)[a]	Quota duty	Quota period
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[bc]	75 000[j]	0 %	1.1.2016-31.12.2018
	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				
09.2765	ex 0305 62 00	20	Cod (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*) and fish of the species *Boreogadus saida*, salted or in brine, but not dried or smoked, for processing[bc]	4 000	0 %	1.1.2016-31.12.2018
		25				
		29				
	ex 0305 69 10	10				
09.2776	ex 0304 71 10	10	Cod (*Gadus morhua*, *Gadus macrocephalus*), frozen fillets and frozen meat, for processing[bc]	38 000	0 %	1.1.2016-31.12.2018
	ex 0304 71 90	10				
	ex 0304 95 21	10				
	ex 0304 95 25	10				

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[X2 09.2761	ex 0304 79 50	10	Blue grenadier (*Macruronus* spp.), frozen fillets and other frozen meat, for processing[bc]	17 500	0 %	1.1.2016–31.12.2018
	ex 0304 79 90	11 17				
	ex 0304 95 90	11 17]				
09.2798	ex 0306 16 99	20	Shrimps and prawns of the species *Pandalus borealis* and *Pandalus montagui*, in shells, fresh, chilled or frozen, for processing[bcd]	10 000	0 %	1.1.2016-31.12.2018
		30				
	ex 0306 26 90	12				
		14				
		92				
		93				
09.2794	ex 1605 21 90	45	Shrimps and prawns of the species *Pandalus borealis* and *Pandalus montagui*, cooked and peeled, for processing[bcd]	30 000[e]	0 %	1.1.2016-31.12.2018
		62				
	ex 1605 29 00	50				
		55				
09.2800	ex 1605 21 90	55	Shrimps and prawns of the species *Pandalus jordani*, cooked and peeled, for processing[bcd]	3 500	0 %	1.1.2016-31.12.2018
	ex 1605 29 00	60				
09.2802	ex 0306 17 92	20	Shrimps and prawns of the species *Penaeus*	40 000	0 %	1.1.2016-31.12.2016
	ex 0306 27 99	30		30 000		1.1.2017-31.12.2017 1.1.2018-31.12.2018