Council Regulation (EU) No 1220/2012 of 3 December 2012 on trade related measures to guarantee the supply of certain fishery products to Union processors from 2013 to 2015, amending Regulations (EC) No 104/2000 and (EU) No 1344/2011

COUNCIL REGULATION (EU) No 1220/2012

of 3 December 2012

on trade related measures to guarantee the supply of certain fishery products to Union processors from 2013 to 2015, amending Regulations (EC) No 104/2000 and (EU) No 1344/2011

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 15 years, the Union has become more dependent on imports to meet its consumption of fishery products. The Union self-sufficiency rate for fishery products has decreased from 57 % to 38 %. In order not to jeopardise the Union production of fishery products and to ensure an adequate supply to the Union processing industry, customs duties should be partially or totally suspended for a number of products within tariff quotas of an appropiate 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) By Regulation (EC) No 1062/2009[(1)], the Council opened and provided for the management of autonomous Community tariff quotas for certain fishery products for the period from 2010 to 2012. Given that the period of application of that Regulation expires on 31 December 2012, it is important that relevant rules contained therein be reflected in the period from 2013 to 2015.

(3) Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products[(2)] is being reviewed in the context of the reform of the Common Fisheries Policy. That Regulation establishes suspensions of tariff duties for certain fishery products. In order to render the system more coherent and streamline the procedures of the Union's autonomous preferences for fishery products, a number of autonomous tariff quotas replacing those suspensions should be established, and Regulation (EC) No 104/2000 should be amended accordingly. The new autonomous tariff quotas should be of sufficient volume so as to ensure an adequate supply of raw fishery materials to the Union and to guarantee the predictability and the continuity of imports.

Changes to legislation: *Council Regulation (EU) No 1220/2012 is up to date with all changes known to be in force on or before 10 April 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Council Regulation (EU) No 1344/2011 of 19 December 2011 suspending the autonomous Common Customs Tariff duties on certain agricultural, fishery and industrial products[(3)] contains a limited number of suspensions for fishery products. In order to render the system more coherent and streamline the procedures of the Union's autonomous preferences for fishery products, a number of autonomous tariff quotas replacing those suspensions should be established. Consequently, Regulation (EU) No 1344/2011 should be amended accordingly. The new autonomous tariff quotas should be of sufficient volume so as to ensure an adequate supply of raw fishery materials to the Union and to guarantee the predictability and the continuity of imports.

(5) 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, 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.

(6) 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 quotas should be applied without interruption to all imports of the products concerned into all Member States until the tariff quotas have been used up.

(7) To ensure the efficient common management of the tariff quotas, Member States should be permitted to draw from the 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 quotas are used up and should inform the Member States accordingly.

(8) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code[(4)] provides for a system of tariff quota management which follows the chronological order of the dates of acceptance of the declarations of 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,

HAS ADOPTED THIS REGULATION:

Article 1

Import duties on the products listed in the Annex shall be 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 shall be managed in accordance with Articles 308a, 308b and 308c (1) of Regulation (EEC) No 2454/93.

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Article 3

1 Without undue delay, the Commission shall ascertain whether, as at 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 a 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 4

The Commission and customs authorities of Member States shall cooperate closely to ensure the proper management and control of the application of this Regulation.

Article 5

1 In Regulation (EC) No 104/2000, Article 28 and Annex VI are deleted.

2 In the Annex to Regulation (EU) No 1344/2011, the entries concerning fishery products with TARIC codes 0302 89 90 30, 0302 90 00 95, 0303 90 90 91, 0305 20 00 11, 0305 20 00 30, 1604 11 00 20, 1604 32 00 10, 1605 10 00 11 and 1605 10 00 19 are deleted.

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 2013 to 31 December 2015.

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 code	Description	Annual amount of quota(tons)[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]	70 000[i]	0 %	1.1.2013-31.12.2015
	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]	2 600	0 %	1.1.2013-31.12.2015
		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]	30 000	0 %	1.1.2013-31.12.2015
	ex 0304 71 90	10				
	ex 0304 95 21	10				
	ex 0304 95 25	10				

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09.2761	ex 0304 79 50	10	Blue grenadier (*Macruronus* spp.), frozen fillets and other frozen meat, for processing[bc]	25 000[i]	0 %	1.1.2013-31.12.2015
	ex 0304 79 90	11				
		17				
	ex 0304 95 90	11				
		17				
09.2798	ex 0306 16 99	20	[X1Shrimps and prawns of the species *Pandalus borealis*, in shells, fresh, chilled or frozen for processing][bc]	9 000	0 %	1.1.2013-31.12.2015
	ex 0306 26 90	12				
		92				
09.2794	ex 1605 21 90	45	Shrimps and prawns of the species *Pandalus borealis* cooked and peeled, for processing[bce]	30 000	0 %	1.1.2013-31.12.2015
	ex 1605 29 00	50				
09.2800	ex 1605 21 90	55	Shrimps and prawns of the species *Pandalus jordani*, cooked and peeled, for processing[bce]	2 000	0 %	1.1.2013-31.12.2015
	ex 1605 29 00	60				
09.2802	ex 0306 17 92	10	Shrimps and praws of the specie *Penaeus Vannamei*, whether in shell or not, fresh, chilled or	20 000	0 %	1.1.2013-31.12.2015
	ex 0306 27 99	10				