Commission Regulation (EU) No 354/2011 of 12 April 2011 opening and providing for the management of tariff quotas of the Union for certain fish and fishery products originating in Bosnia and Herzegovina

COMMISSION REGULATION (EU) No 354/2011

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THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 594/2008 of 16 June 2008 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, and for applying the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part[(1)], and in particular Article 2 thereof,

Whereas:

(1) A Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part ('the Stabilisation and Association Agreement'), was signed in Luxembourg on 16 June 2008. The Stabilisation and Association Agreement is in the process of ratification.

(2) On 16 June 2008 an Interim Agreement was concluded on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part[(2)] ('the Interim Agreement'), which was approved by Council Decision 2008/474/EC[(3)]. The Interim Agreement provides for the early entry into force of the trade and trade-related provisions of the Stabilisation and Association Agreement. It entered into force on 1 July 2008.

(3) The Interim Agreement and the Stabilisation and Association Agreement provide that certain fish and fishery products originating in Bosnia and Herzegovina may be imported into the European Union, within the limits of tariff quotas of the Union ('quotas'), at a reduced or a zero rate of customs duty.

(4) The tariff quotas provided for in the Interim Agreement and in the Stabilisation and Association Agreement are annual and have been adopted for an indefinite period. It is necessary to open the tariff quotas for 2008 and following years and to provide for a common system for their management.

(5) This common management should ensure that all importers in the European Union have equal and continuous access to the tariff quotas and that the rates laid down for the quotas are applied uninterruptedly to all imports of the products in question into all Member States until the quotas are exhausted. In order to ensure the efficiency

of the system, Member States should be authorised to draw from the quota volumes the necessary quantities corresponding to actual imports. Close cooperation between the Member States and the Commission is required and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly. For reasons of speed and efficiency, communication between the Member States and the Commission should, as far as possible, take place by electronic transmission.

(6) The quotas opened by this Regulation should therefore be managed in accordance with the system for management of tariff quotas designed to be used following the chronological order of dates of acceptance of customs declarations which is provided for in 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].

(7) As the Interim Agreement entered into force on 1 July 2008, this Regulation should apply from the same date and should remain in force after the entry into force of the Stabilisation and Association Agreement.

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

HAS ADOPTED THIS REGULATION:

Article 1

Fish and fishery products originating in Bosnia and Herzegovina and listed in the Annex that are put into free circulation in the European Union shall benefit from a reduced or a zero rate of customs duty, at the levels and within the limits of the annual tariff quotas of the Union set out in the Annex.

In order to benefit from these preferential rates, the products in question shall be accompanied by a proof of origin as provided for in Protocol 2 to the Interim Agreement with Bosnia and Herzegovina or in Protocol 2 to the Stabilisation and Association Agreement with Bosnia and Herzegovina.

[*F1* *Article 2*

The tariff quotas set out in the Annex shall be managed in accordance with Articles 49 to 54 of Commission Implementing Regulation (EU) 2015/2447[5].**]**

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2017/1468 of 11 August 2017 amending Regulation (EU) No 354/2011 opening and providing for the management of tariff quotas of the Union for certain fish and fishery products originating in Bosnia and Herzegovina.

Article 3

The Member States and the Commission shall cooperate closely to ensure compliance with this Regulation.

Article 4

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2008.

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 Commission Regulation (EU) No 354/2011. (See end of Document for details)*

[F1ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products shall 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 CN codes. Where ex CN codes are indicated, the preferential scheme shall be determined by application of the CN code and the corresponding description taken together.

FISH AND FISHERY PRODUCTS

Order No	CN Code	TARIC subdivisions	Description	Annual Tariff Quota volume(in tonnes net weight)	Rate of quota duty
09.1594	0301 91		Trout (*Salmo trutta*, *Oncorhynchus mykiss*, *Oncorhynchus clarki*, *Oncorhynchus aguabonita*, *Oncorhynchus gilae*, *Oncorhynchus apache* and *Oncorhynchus chrysogaster*): live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	500	Free
	0302 11				
	0303 14				
	0304 42				
	0304 52 00	10			
	0304 82				
	0304 99 21	11, 12, 20			
	0305 10 00	10			
	0305 39 90	10			
	0305 43 00				
	0305 59 85	61			
	0305 69 80	61			
09.1595	0301 93 00		Carp (*Cyprinus* spp., *Carassius* spp., *Ctenopharyngodon idellus*, *Hypophthalmichthys* spp., *Cirrhinus*	140	Free
	0302 73 00				
	0303 25 00				
	0304 39 00	20			
	0304 51 00	10			
	0304 69 00	20			