Commission Regulation (EU) No 230/2011 of 9 March 2011 amending Council Regulation (EC) No 992/95 as regards tariff quotas of the Union for certain agricultural and fishery products originating in Norway

COMMISSION REGULATION (EU) No 230/2011

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amending Council Regulation (EC) No 992/95 as regards tariff quotas of the Union 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 tariff quotas of the Union for certain agricultural and fishery products originating in Norway[(1)], and in particular Article 5(1)(a) and (b) thereof,

Whereas:

(1) In 2009, negotiations were concluded for an Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway concerning special provisions applicable for the period 2009-14 to imports into the Union of certain fish and fishery products, hereinafter 'the Additional Protocol'.

(2) The signing, on behalf of the European Union, and the provisional application of the Additional Protocol has been authorised by Council Decision 2010/674/EU of 26 July 2010 on the signing and provisional application of an Agreement between the European Union, Iceland, Liechtenstein and Norway on an EEA Financial Mechanism for the period 2009-2014, an Agreement between the European Union and Norway on a Norwegian Financial Mechanism 2009-2014, an Additional Protocol to the Agreement between the European Economic Community and Iceland concerning special provisions applicable to imports into the European Union of certain fish and fishery products for the period 2009-2014 and an Additional Protocol to the Agreement between the European Economic Community and Norway concerning special provisions applicable to imports into the European Union of certain fish and fishery products for the period 2009-2014[(2)].

(3) The Additional Protocol provides for new annual duty free tariff quotas at import into the Union of certain fish and fishery products originating in Norway.

(4) In accordance with the Additional Protocol, the duty free tariff quotas levels that should have been opened for Norway as from 1 May 2009 until 1 March 2011 shall be divided in equal parts and allocated on a yearly basis for the remaining part of the period of application of this Protocol.

(5) In order to implement the new tariff quotas provided for in the Additional Protocol, it is necessary to amend Regulation (EC) No 992/95.

(6) It is necessary to replace the current reference in Regulation (EC) No 992/95 to free-at-frontier prices by a reference to the declared customs value in accordance with Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products[3], and to provide that in order to qualify for the preferences laid down in the Additional Protocol, that value must at least be equal to any reference price fixed or to be fixed in accordance with the same Regulation.

(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 arrangements for administrative cooperation was amended by Decision No 1/2005 of the EC-Norway Joint Committee of 20 December 2005[4]. It is therefore necessary to provide explicitly that Protocol 3 as amended in 2005 is to apply.

(8) For reasons of clarity and to take account of the amendments to the Combined Nomenclature codes, laid down in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff[5], and of the Taric-subdivisions, it is appropriate to replace Annexes I and II to Regulation (EC) No 992/95.

(9) For reasons of clarity and to take account of the fact that several tariff quotas cover the same products for the same period, it is appropriate to merge them.

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

(11) In accordance with Decision 2010/674/EU the new tariff quotas must apply from 1 March 2011. This Regulation should therefore apply from the same date.

(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 is replaced by the following:

Article 1

1 When products originating in Norway listed in the Annex are put into free circulation in the European Union, they shall be eligible for exemption from customs duties within the limits of the tariff quotas, during the periods and in accordance with the provisions set out in this Regulation.

2 Imports of the fish and fishery products listed in the Annex shall qualify for the tariff quotas mentioned in paragraph 1 only if the declared customs value is at least equal to the reference price fixed, or to be fixed, in accordance with Article 29 of Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products[6].

3 The provisions of 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 arrangements for administrative cooperation,

as last amended by Decision No 1/2005 of the EC-Norway Joint Committee of 20 December 2005[7], shall apply.

4 The benefit of the tariff quotas with order numbers 09.0710 and 09.0712 shall not be granted to goods declared for release for free circulation during the period 15 February to 15 June. Furthermore, the benefit of the tariff quota with order number 09.0714 shall not be granted to goods with CN code 0304 99 23 declared for release for free circulation during the period 15 February to 15 June.;

2. Article 3, second paragraph, is replaced by the following:

> However, Article 308c(2) and (3) of Regulation (EEC) No 2454/93 shall not apply to the tariff quotas with order numbers 09.0702, 09.0710, 09.0712, 09.0713, 09.0714, 09.0749 and 09.0750.;

3. Annexes I and II are replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 March 2011.

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

Done at Brussels, 9 March 2011.

For the Commission

The President

José Manuel BARROSO

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 230/2011. (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	90	Oils and fats 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				
	ex 1516 10 90	11				
09.0702	0303 29 00		Other frozen *Salmonidae*	From 1.3.2011 to 30.4.2011	526	0
				From 1.5.2011 to 30.4.2012	3 158	
				From 1.5.2012 to 30.4.2013	3 158	
				From 1.5.2013 to 30.4.2014	3 158	
09.0703	ex 0305 51 90	10 20	Dried, salted but not smoked cod, excluding cod of the species	From 1.4 to 31.12	13 250	0

			Gadus macrocephalus			
	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 livers and roes[a]	From 1.5.2011 to 30.4.2012	76 333	0
				From 1.5.2012 to 30.4.2013	76 333	
				From 1.5.2013 to 30.4.2014	76 334	
09.0711			Prepared or preserved fish, including caviar and caviar substitutes prepared from fish eggs:	From 1.1 to 31.12	400	3
	ex 1604 13 90	91 92 99	Sardinella, brisling or sprats excluding raw fillets merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep-frozen			
	1604 19 92		Cod (*Gadus morhua, Gadus ogac, Gadus macrocephalus*)			