# Council Regulation (EC) No 1062/2009 of 26 October 2009 opening and providing for the management of autonomous Community tariff quotas for certain fishery products for the period 2010 to 2012 and repealing Regulation (EC) No 824/2007

## COUNCIL REGULATION (EC) No 1062/2009

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## opening and providing for the management of autonomous Community tariff quotas for certain fishery products for the period 2010 to 2012 and repealing Regulation (EC) No 824/2007

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Community supplies of certain fishery products currently depend on imports from third countries. In the last 10 years the EU self-sufficiency rate for fishery products has decreased from 57 % to 36 %. It is in the Community's interest to suspend in part or in whole the customs duties for those products, within Community tariff quotas of an appropriate volume. In order not to jeopardise the Community production of fishery products and to ensure an adequate supply to the EU processing industry, such tariff quotas should be opened in accordance with the sensitivity of the product in question on the Community market. It is therefore appropriate to open such tariff quotas for the period 2010 to 2012, applying a reduction or elimination of customs duties.

(2) Council Regulation (EC) No 824/2007 of 10 July 2007 opening and providing for the management of autonomous Community tariff quotas for certain fishery products for the period 2007 to 2009[(1)] should be replaced by this Regulation in order to guarantee the appropriate supply conditions for the Community industry for the period 2010 to 2012.

(3) Equal and uninterrupted access to those tariff quotas should be ensured for all Community 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.

(4) To ensure the efficiency of a 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 latter should in particular be able to monitor the rate at which the quotas are used up and should inform the Member States accordingly.

(5) 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

**Changes to legislation:** *There are currently no known outstanding effects for the Council Regulation (EC) No 1062/2009. (See end of Document for details)*

Community Customs Code[(2)] 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.

(6) Therefore, Regulation (EC) No 824/2007 should be repealed with effect from 1 January 2010.

(7) Given the urgency of the matter, it is important to grant an exception to the six-week period referred to in paragraph I(3) of the Protocol on the role of national parliaments in the European Union annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

HAS ADOPTED THIS REGULATION:

*Article 1*

1 Import duties on the products listed in the Annex shall be suspended, within tariff quotas, at the rates, for the periods and up to the amounts indicated therein.

2 Imports of the products listed in the Annex shall be covered by the quotas referred to 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[(3)].

*Article 2*

The tariff quotas referred to in Article 1 shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

*Article 3*

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 4*

Regulation (EC) No 824/2007 shall be repealed.

*Article 5*

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

It shall apply from 1 January 2010 to 31 December 2012.

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

ANNEX

| Order No | CN code | TARIC code | Description | Annual amount of quota(tons)[g] | Quota duty | Quota period |
|---|---|---|---|---|---|---|
| 09.2759 | ex 0302 50 10 | 20 | Cod (*Gadus morhua, Gadus ogac, Gadus macrocephalus*), excluding livers and roes, fresh, chilled or frozen, for processing[ab] | 80 000 | 0 % | 1.1.2010-31.12.2012 |
| | ex 0302 50 90 | 10 | | | | |
| | ex 0303 52 10 | 10 | | | | |
| | ex 0303 52 30 | 10 | | | | |
| | ex 0303 52 90 | 10 | | | | |
| 09.2765 | ex 0305 62 00 | 20<br>25<br>29 | 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[ab] | 5 000 | 0 % | 1.1.2010-31.12.2012 |
| | ex 0305 69 10 | 10 | | | | |
| 09.2761 | ex 0304 29 91 | 10 | Blue grenadier (*Macruronus* spp.), frozen fillets and other meat, for processing[ab] | 20 000 | 0 % | 1.1.2010-31.12.2012 |
| | ex 0304 29 99 | 41<br>81 | | | | |
| | ex 0304 99 99 | 60<br>81 | | | | |
| 09.2760 | ex 0303 78 11 | 10 | Hake (*Merluccius* spp. excluding *Merluccius merluccius,* | 15 000 | 0 % | 1.1.2010-31.12.2012 |
| | ex 0303 78 12 | 10 | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| | ex 0303 78 13 | 10 | *Urophycis* spp.), and Pink cusk-eel (*Genypterus blacodes)*, frozen, for processing[ab] | | | |
| | ex 0303 78 19 | 11<br>81 | | | | |
| | ex 0303 78 90 | 10 | | | | |
| | ex 0303 79 93 | 10 | | | | |
| 09.2770 | ex 0305 63 00 | 10 | Anchovies (*Engraulis anchoita*), salted or in brine, but not dried or smoked, for processing[ab] | 5 000 | 0 % | 1.1.2010-31.12.2012 |
| 09.2788 | ex 0302 40 00 | 10 | Herrings (*Clupea harengus, Clupea pallasii*), of a weight exceeding 100 g per piece or flaps of a weight exceeding 80 g per piece, excluding livers and roes, for processing[ab] | 20 000 | 0 % | 1.10.2010-31.12.2010 |
| | ex 0303 51 00 | 10 | | | | 1.10.2011-31.12.2011 |
| | ex 0304 19 97 | 10 | | | | 1.10.2012-31.12.2012 |
| | ex 0304 99 23 | 10 | | | | |
| 09.2792 | ex 1604 12 99 | 10 | Herrings, spiced and/ or vinegar-cured, in brine, preserved in barrels of at least 70 kg net drained weight, for processing[ab] | 10 000[f] | 6 % | 1.1.2010-31.12.2012 |
| 09.2790 | ex 1604 14 16 | 20<br>30 | Filets known as | 15 000 | 6 % | 1.1.2010-31.12.2012 |