

# REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2016/1219

of 26 July 2016

**amending Council Regulation (EC) No 499/96 as regards Union tariff quotas for certain fish and fishery products originating in Iceland**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 499/96 of 19 March 1996 opening and providing for the administration of tariff quotas of the Union for certain fish and fishery products originating in Iceland <sup>(1)</sup>, and in particular Article 5(1)(a) and (d) thereof,

Whereas:

- (1) By Decision (EU) 2016/837 of 21 April 2016 <sup>(2)</sup>, the Council authorised the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union, Iceland, the Principality of Liechtenstein and the Kingdom of Norway on an EEA Financial Mechanism 2014-2021, the Agreement between the Kingdom of Norway and the European Union on a Norwegian Financial Mechanism for the period 2014-2021, the Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway and the Additional Protocol to the Agreement between the European Economic Community and Iceland.
- (2) The text of the Additional Protocol to the Agreement between the European Economic Community and Iceland ('the Additional Protocol') which is attached to Decision (EU) 2016/837 provides for the renewal of three duty-free tariff quotas that ended on 30 April 2014 and for one new duty-free tariff quota for release for free circulation in the European Union of certain fish and fishery products originating in Iceland.
- (3) In accordance with the Additional Protocol, the volumes of the tariff quotas covering the period from 1 May 2014 until the date on which the provisional application of the Additional Protocol becomes effective shall be proportionally allocated and made available for the period from the date of provisional application of the Additional Protocol until 30 April 2021. The Additional Protocol does not provide for any carrying-over of remaining volumes in a tariff quota to a subsequent application period.
- (4) It is necessary to amend Regulation (EC) No 499/96 in order to implement the tariff quotas laid down in the Additional Protocol.
- (5) The tariff quotas should apply from the date on which the provisional application of the Additional Protocol becomes effective until 30 April 2021. This Regulation should therefore apply from the date of provisional application of the Additional Protocol laid down in Article 3 of Decision (EU) 2016/837.

<sup>(1)</sup> OJ L 75, 23.3.1996, p. 8.

<sup>(2)</sup> Council Decision (EU) 2016/837 of 21 April 2016 on the signing, on behalf of the European Union, and provisional application of the Agreement between the European Union, Iceland, the Principality of Liechtenstein and the Kingdom of Norway on an EEA Financial Mechanism 2014-2021, the Agreement between the Kingdom of Norway and the European Union on a Norwegian Financial Mechanism for the period 2014-2021, the Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway, and the Additional Protocol to the Agreement between the European Economic Community and Iceland (OJ L 141, 28.5.2016, p. 1).

- (6) Regulation (EU) No 1379/2013 of the European Parliament and of the Council <sup>(1)</sup> repealed Council Regulation (EC) No 104/2000 <sup>(2)</sup> and ended the system of reference prices for fishery products. It is therefore necessary to delete the condition laid down in Article 1(2) of Regulation (EC) No 499/96 on respecting reference prices.
- (7) Protocol 3 to the Agreement between the European Economic Community and the Republic of Iceland defining the concept of originating products and setting out the methods of administrative cooperation has been amended by Decision No 1/2016 of the EU-Iceland Joint Committee of 17 February 2016 <sup>(3)</sup>. It is therefore necessary to provide that Protocol 3 as amended is to apply.
- (8) Rules on the management of tariff quotas are laid down in Commission Implementing Regulation (EU) 2015/2447 <sup>(4)</sup> replacing Commission Regulation (EEC) No 2454/93 <sup>(5)</sup> from 1 May 2016. Article 2 of Regulation (EC) No 499/96 should be amended to take account of the new rules.
- (9) The Annex to Regulation (EC) No 499/96 should be amended in order to take account of amendments of the Combined Nomenclature codes ('CN codes') laid down in Council Regulation (EEC) No 2658/87 <sup>(6)</sup> and of the Taric subdivisions. For reasons of clarity it is appropriate to replace the Annex to Regulation (EC) No 499/96 in its entirety.
- (10) 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 499/96 is amended as follows:

(1) Article 1 is amended as follows:

(a) paragraph 2 is deleted,

(b) paragraph 3 is replaced by the following:

'3. Protocol 3 to the Agreement between the European Economic Community and the Republic of Iceland concerning the definition of the concept of 'originating products' and methods of administrative cooperation, as amended by Decision of the EU-Iceland Joint Committee No 1/2016, shall apply (\*).

(\*) Decision of the EU-Iceland Joint Committee No 1/2016 of 17 February 2016 amending Protocol 3 to the Agreement between the European Economic Community and the Republic of Iceland concerning the definition of the concept of "originating products" and methods of administrative cooperation (OJ L 72, 17.3.2016, p. 66).';

<sup>(1)</sup> Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).

<sup>(2)</sup> Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products (OJ L 17, 21.1.2000, p. 22).

<sup>(3)</sup> OJ L 72, 17.3.2016, p. 66.

<sup>(4)</sup> Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

<sup>(5)</sup> 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 (OJ L 253, 11.10.1993, p. 1).

<sup>(6)</sup> Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

(2) Article 2 is replaced by the following:

*‘Article 2*

The tariff quotas set out in this Regulation shall be managed in accordance with Articles 49 to 54 of Commission Implementing Regulation (EU) 2015/2447 (\*).

(\*) Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).’;

(3) Article 3 is deleted;

(4) The Annex is replaced by the text in the Annex to this Regulation.

*Article 2*

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

It shall apply from 1 August 2016.

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

Done at Brussels, 26 July 2016.

*For the Commission*

*The President*

Jean-Claude JUNCKER

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## ANNEX

## ‘ANNEX

Notwithstanding 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 sub-division	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)	Quota duty (%)
09.0792	ex 0303 51 00	10 20	Herring ( <i>Clupea harengus</i> , <i>Clupea pallasii</i> ), frozen, excluding livers and roes, for industrial manufacture <sup>(1)</sup> <sup>(2)</sup>	From 1.1 to 31.12	950	0
09.0812	0303 51 00		Herring ( <i>Clupea harengus</i> , <i>Clupea pallasii</i> ), frozen, excluding livers and roes <sup>(2)</sup>	From 1.8.2016 to 30.4.2017  From 1.5.2017 to 30.4.2018  From 1.5.2018 to 30.4.2019  From 1.5.2019 to 30.4.2020  From 1.5.2020 to 30.4.2021	1 050  1 400  1 400  1 400  1 400	0
09.0793	0302 13 00 0302 14 00 0304 41 00 0304 81 00		Fresh or chilled fish (excluding livers and roes) and fresh or chilled or frozen fillets of: Pacific salmon ( <i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i> ), Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> )	From 1.1 to 31.12	50	0
09.0794	0302 23 00  0302 24 00 0302 29		Fresh or chilled:  Sole ( <i>Solea</i> spp.)  Turbot ( <i>Psetta maxima</i> ), megrim ( <i>Lepidorhombus</i> spp.) and other flat fish	From 1.1 to 31.12	250	0

Order No	CN code	TARIC sub-division	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)	Quota duty (%)
	ex 0302 56 00	10	Blue whiting ( <i>Micromesistius poutassou</i> )			
	0303 32 00	90	Frozen: Plaice ( <i>Pleuronectes platessa</i> )			
	0303 55 30		Chilean jack mackerel ( <i>Trachurus murphyi</i> )			
	ex 0303 55 90		Other fish, excluding horse mackerel (scad) ( <i>Caranx trachurus</i> )			
	0303 56 00		Cobia ( <i>Rachycentron canadum</i> )			
	0303 69 90		Other fish			
	0303 89 90					
	0303 82 00		Rays and skates ( <i>Rajidae</i> )			
	0303 83 00		Toothfish ( <i>Dissostichus</i> spp.)			
	0303 84 90		Sea bass other than European sea bass ( <i>Dicentrarchus labrax</i> )			
	0303 89 55		Gilt-head sea bream ( <i>Sparus aurata</i> )			
	0304 31 00		Fresh or chilled fillets of: Tilapia ( <i>Oreochromis</i> spp.)			
	0304 32 00		Catfish ( <i>Pangasius</i> spp., <i>Silurus</i> spp., <i>Clarias</i> spp., <i>Ictalurus</i> spp.)			
	0304 33 00		Nile perch ( <i>Lates niloticus</i> )			
	0304 39 00		Carp ( <i>Cyprinus carpio</i> , <i>Carassius carassius</i> , <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys</i> spp., <i>Cirrhinus</i> spp., <i>Mylopharyngodon piceus</i> ), eels ( <i>Anguilla</i> spp.) and snake-heads ( <i>Channa</i> spp.)			
	0304 42 50		Trout of the species <i>Oncorhynchus apache</i> or <i>Oncorhynchus chrysogaster</i>			
	0304 49 10		Other freshwater fish			
	0304 43 00		Flat fish ( <i>Pleuronectidae</i> , <i>Bothidae</i> , <i>Cynoglossidae</i> , <i>Soleidae</i> , <i>Scophthalmidae</i> and <i>Citharidae</i> )			

Order No	CN code	TARIC sub-division	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)	Quota duty (%)
	0304 44 30		Coalfish ( <i>Pollachius virens</i> )			
	0304 44 90		Other fish of the families Bregmacerotidae, Euclichthyidae, Gadidae, Macrouridae, Melanonidae, Merlucciidae, Moridae and Muraenolepididae, excluding cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and fish of the species <i>Boreogadus saida</i>			
	0304 45 00		Swordfish ( <i>Xiphias gladius</i> )			
	0304 46 00		Toothfish ( <i>Dissostichus</i> spp.)			
	0304 49 50		Redfish ( <i>Sebastes</i> spp.)			
	ex 0304 49 90	30 40 50 60 70 90	Other fish excluding herring and mackerel			
	0304 53 00		Fish meat (whether or not minced), fresh or chilled of:  Fish of the families Bregmacerotidae, Euclichthyidae, Gadidae, Macrouridae, Melanonidae, Merlucciidae, Moridae and Muraenolepididae			
	0304 54 00		Swordfish ( <i>Xiphias gladius</i> )			
	0304 55 00		Toothfish ( <i>Dissostichus</i> spp.)			
	0304 59 90		Other fish, excluding freshwater fish and flaps of herring			
	0304 61 00		Frozen fillets of:  Tilapia ( <i>Oreochromis</i> spp.)			
	0304 62 00		Catfish ( <i>Pangasius</i> spp., <i>Silurus</i> spp., <i>Clarias</i> spp., <i>Ictalurus</i> spp.)			
	0304 63 00		Nile perch ( <i>Lates niloticus</i> )			

Order No	CN code	TARIC sub-division	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)	Quota duty (%)
	0304 69 00		Carp ( <i>Cyprinus carpio</i> , <i>Carassius carassius</i> , <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys</i> spp., <i>Cirrhinus</i> spp., <i>Mylopharyngodon piceus</i> ), eels ( <i>Anguilla</i> spp.) and snake-heads ( <i>Channa</i> spp.)			
	0304 82 50		Trout of the species <i>Oncorhynchus apache</i> or <i>Oncorhynchus chrysogaster</i>			
	0304 89 10		Other freshwater fish			
			Frozen meat of:			
	0304 95 21		Cod of the species <i>Gadus macrocephalus</i>			
	0304 95 25		Cod of the species <i>Gadus morhua</i>			
	0304 95 29		Cod of the species <i>Gadus ogac</i> and fish of the species <i>Boreogadus saida</i>			
	0304 95 40		Coalfish ( <i>Pollachius virens</i> )			
	0304 95 50		Hake of the genus <i>Merluccius</i>			
	0304 95 60		Blue whiting ( <i>Micromesistius poutassou</i> , <i>Gadus poutassou</i> )			
	ex 0304 95 90	11 13 17 19 90	Other fish, excluding hake of the genus <i>Urophycis</i> spp.			
	ex 0304 99 99	20 25 30 40 50 65 69 70 90	Other fish, excluding mackerel ( <i>Scomber scombrus</i> , <i>Scomber australasicus</i> , <i>Scomber japonicus</i> )			

Order No	CN code	TARIC sub-division	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)	Quota duty (%)
09.0811	0304 49 50		Fillets of redfish ( <i>Sebastes</i> spp.), fresh or chilled	From 1.8.2016 to 30.4.2017	2 211	0
				From 1.5.2017 to 30.4.2018	2 948	
				From 1.5.2018 to 30.4.2019	2 948	
				From 1.5.2019 to 30.4.2020	2 948	
				From 1.5.2020 to 30.4.2021	2 948	
09.0795	0305 61 00		Herrings ( <i>Clupea harengus</i> , <i>Clupea pallasii</i> ), salted but not dried or smoked, and herring in brine	From 1.1 to 31.12	1 750	0
09.0796	0306 15 90		Frozen Norway lobsters ( <i>Nephrops norvegicus</i> ), excluding smoked Norway lobsters	From 1.1 to 31.12	50	0
09.0810	0306 15 90		Frozen Norway lobsters ( <i>Nephrops norvegicus</i> ), excluding smoked Norway lobsters	From 1.8.2016 to 30.4.2017	1 106	0
				From 1.5.2017 to 30.4.2018	1 474	
				From 1.5.2018 to 30.4.2019	1 474	
				From 1.5.2019 to 30.4.2020	1 474	
				From 1.5.2020 to 30.4.2021	1 474	



Order No	CN code	TARIC sub-division	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)	Quota duty (%)
09.0797	1604 12 91 1604 12 99		Prepared or preserved herrings, whole or in pieces but not minced, excluding fillets of herring, raw, merely coated with batter or bread-crumbs, whether or not pre-fried in oil, frozen	From 1.1 to 31.12	2 400	0
09.0798	1604 17 00 1604 19 97  ex 1604 20 90	   20 30 35 50 60 90	Prepared or preserved eels and other prepared or preserved fish, whole or in pieces but not minced  Other prepared or preserved fish, except herring and mackerel	From 1.1 to 31.12	50	0
09.0700	1604 20 90		Other prepared or preserved fish	From 1.8.2016 to 30.4.2017 From 1.5.2017 to 30.4.2018 From 1.5.2018 to 30.4.2019 From 1.5.2019 to 30.4.2020 From 1.5.2020 to 30.4.2021	2 764 3 685 3 685 3 685 3 685	0

(<sup>1</sup>) Entry under this subheading is subject to the conditions laid down in the relevant provisions of the European Union (see Article 254 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1)).

(<sup>2</sup>) As the most-favoured nation ("MFN") duty is free from 15 February to 15 June, the benefit of the tariff quota shall not be granted to goods declared for release for free circulation during this period.