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COUNCIL REGULATION (EC) No 499/96

of 19 March 1996

► **M3** opening and providing for the administration of tariff quotas of the Union for certain fish and fishery products originating in Iceland ◀

(OJ L 75, 23.3.1996, p. 8)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Regulation (EC) No 1921/2004 of 25 October 2004	L 331	5	5.11.2004
► <u>M2</u>	Commission Regulation (EC) No 1314/2007 of 8 November 2007	L 291	13	9.11.2007
► <u>M3</u>	Commission Regulation (EU) No 185/2011 of 25 February 2011	L 53	36	26.2.2011



COUNCIL REGULATION (EC) No 499/96
of 19 March 1996

**► M3 opening and providing for the administration of tariff quotas
of the Union for certain fish and fishery products originating in
Iceland ◀**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Agreement was concluded between the European Economic Community and the Republic of Iceland ⁽¹⁾;

Whereas, following the accession of Austria, Finland and Sweden, the abovementioned Agreement should be adjusted to take into account, in particular, the existing trade arrangements for fishery products between Austria, Finland and Sweden, of the one part, and Iceland, of the other part;

Whereas to that end an Additional Protocol to the above Agreement, approved by Decision 96/147/EC ⁽²⁾ as well as an Agreement in the form of an Exchange of Letters approved by Decision 95/582/EC ⁽³⁾ have been concluded between the Community and Iceland; whereas by virtue of those instruments the Community has undertaken to open, subject to certain conditions, from 1 January to 31 December each year Community tariff quotas at zero duty for a number of products originating in Iceland;

Whereas the tariff quotas in question relate to an indefinite period and accordingly, for reasons of efficiency and in order to simplify implementation of the measures concerned, it appears appropriate to provide for the application of this Regulation to be placed on a multiannual footing;

Whereas, for reasons of simplification, provision should be made to empower the Commission to give effect, following receipt of the opinion of the Customs Code Committee, to necessary amendments and technical adaptations of this Regulation arising from amendments to the combined nomenclature and Taric codes, extensions of tariff measures, necessary adaptations following the conclusion of protocols or exchanges of letters, amendments to this Regulation for the implementation of any other instrument in the framework of the abovementioned Agreement as well as adaptations of volume, periods and quota rates arising from decisions by the Council;

Whereas all Community importers should be ensured equal and continuous access to the said quota and the duty rate laid down for the quota should be applied without interruption to all imports of the product in question into all Member States until the quota is exhausted, during the whole period of the validity of the agreements with Iceland;

Whereas the decision for the opening, in execution of its international obligations, of tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of these quotas, there is no reason why the Member States should not be authorized to draw from the quota volumes the necessary quantities corresponding to actual imports; whereas this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are being used up and inform the Member States accordingly,

⁽¹⁾ OJ No L 301, 31. 12. 1972, p. 2.

⁽²⁾ OJ No L 34, 13. 2. 1996, p. 33.

⁽³⁾ OJ No L 327, 30. 12. 1995, p. 17.

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HAS ADOPTED THIS REGULATION:

▼M3*Article 1*

1. When products originating in Iceland listed in the Annex are put into free circulation in the European Union, they shall be eligible for exemption of 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 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 Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾.
3. Protocol 3 of the Agreement between the European Economic Community and the Republic of Iceland defining the concept of originating products and setting out the arrangements for administrative cooperation, as last amended by Decision No 2/2005 of the EC-Iceland Joint Committee of 22 December 2005 ⁽²⁾ shall apply.
4. The benefit of the tariff quotas with order numbers 09.0792 and 09.0812 shall not be granted for goods declared for release for free circulation during the period 15 February to 15 June.

▼M2*Article 2*

The tariff quotas set out in this Regulation shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

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However, Article 308c(2) and (3) of Regulation (EEC) No 2454/93 shall not apply to the tariff quotas with order numbers 09.0810, 09.0811 and 09.0812.

Article 3

Where the tariff quotas with order numbers 09.0810, 09.0811 and 09.0812 will not be fully exhausted for the tariff quota period from 1 March 2011 to 30 April 2011, the remaining volume shall be carried over to the corresponding tariff quotas for the period 1 May 2011 to 30 April 2012.

For this purpose drawings on the tariff quotas applicable from 1 March 2011 to 30 April 2011 shall be stopped on the second working day in the Commission following 1 September 2011. On the following working day, the unused balances of these tariff quotas shall be made available under the corresponding tariff quota applicable from 1 May 2011 to 30 April 2012.

From the second working day in the Commission following 1 September 2011 no retroactive drawings and no returns shall be possible on the particular tariff quotas applicable from 1 March 2011 to 30 April 2011.

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 131, 18.5.2006, p. 1.



Article 4

Each Member State shall guarantee importers of the products in question equal and continuous access to the quotas as long as the balance of the corresponding quota volume allows.

Article 5

1. The provisions necessary for the application of this Regulation, in particular:

- (a) the amendments and technical adaptations, in so far as necessary, arising from amendments of the combined nomenclature and Taric codes;
- (b) the necessary adaptations resulting from the conclusion by the Council of protocols or Exchanges of Letters between the Community and Iceland in the framework of the Agreement referred to in this Regulation;
- (c) the prorogation of tariff measures conforming to the provisions contained in the Agreement referred to in this Regulation;
- (d) the necessary adaptations of volumes, periods and quota duty arising from decisions adopted by the Council; and
- (e) the amendments to this Regulation necessary for the putting into practice of any other act within the framework of the Agreement referred to in this Regulation

shall be adopted in accordance with the procedure laid down in Article 6 (2).

2. The provisions adopted pursuant to paragraph 1 shall not authorize the Commission to:

- carry over a balance of preferential quantities from one quota period to another,
- modify the timetable laid out in the agreements or protocols,
- transfer quantities from one quota to another,
- open and manage quotas resulting from new agreements,
- adopt legislation effecting the management of quotas which are the subject of certificates of importation.

Article 6

1. The Commission shall be assisted by the Customs Code Committee set up by Article 247 of Regulation (EEC) No 2913/92 ⁽¹⁾.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on a draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures, which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- the Commission shall defer application of the measures which it has decided for three months from the date of such communication,

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

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— the Council, acting by qualified majority, may take a different decision within the period referred to in the first paragraph.

3. The Committee may examine any question concerning the application of this Regulation which is raised by its chairman either on his own initiative or at the request of a Member State.

Article 7

Member States and the Commission shall cooperate closely in order to ensure that this Regulation is complied with.

Article 8

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

It shall apply from 1 January 1995.

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

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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 subdivision	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)	Quota duty (%)
09.0792	ex 0303 51 00	10 20	Herrings of the species <i>Clupea harengus</i> or <i>Clupea pallasii</i> , frozen, excluding livers and roes, for industrial manufacture ^(*) ⁽¹⁾	From 1.1 to 31.12	950	0
09.0812	0303 51 00		Herrings of the species <i>Clupea harengus</i> or <i>Clupea pallasii</i> , frozen, excluding livers and roes ⁽¹⁾	From 1.3.2011 to 30.4.2011 From 1.5.2011 to 30.4.2012 From 1.5.2012 to 30.4.2013 From 1.5.2013 to 30.4.2014	1 900 950 950 950	0
09.0793	0302 12 00 0304 19 13 0304 29 13		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 29 ex 0302 69 82 0303 32 00 0303 62 00 0303 79 98 0304 19 01 0304 19 03 0304 19 18	 10	Sole (<i>Solea</i> spp.), fresh or chilled, excluding fish fillets and other fish meat of heading 0304 Megrin (<i>Lepidorhombus</i> spp.) and other flat fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304 Blue whiting (<i>Micromesistius poutassou</i> or <i>Gadus poutassou</i>), fresh or chilled, excluding fish fillets and other fish meat of heading 0304 Plaice (<i>Pleuronectes platessa</i>), frozen, excluding fish fillets and other fish meat of heading 0304 Toothfish (<i>Dissostichus</i> spp.) and other saltwater fish, frozen, excluding fish fillets and other fish meat of heading 0304 Fillets of Nile perch (<i>Lates niloticus</i>), of pangasius (<i>Pangasius</i> spp.) and of other freshwater fish, fresh or chilled	From 1.1 to 31.12	250	0

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Order No	CN code	TARIC subdivision	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)	Quota duty (%)
	0304 19 33		Fillets of coalfish (<i>Pollachius virens</i>), fresh or chilled			
	0304 19 35		Fillets of redfish (<i>Sebastes</i> spp.), fresh or chilled			
	0304 11 10 0304 12 10		Fillets of swordfish (<i>Xiphias gladius</i>) and of toothfish (<i>Dissostichus</i> spp.), fresh or chilled			
	ex 0304 19 39	10 20 60 70 75 80 85 90	Other fish fillets, other than herring and mackerel, fresh or chilled			
	0304 11 90 0304 12 90 0304 19 99		Other fish meat (whether or not minced), fresh or chilled			
	0304 29 01 0304 29 03 0304 29 05 0304 29 18		Frozen fillets of Nile perch (<i>Lates niloticus</i>), of pangasius (<i>Pangasius</i> spp.), of tilapia (<i>Oreochromis</i> spp.) and of other freshwater fish			
	0304 99 31		Frozen meat of cod of the species <i>Gadus macrocephalus</i>			
	0304 99 33		Frozen meat of cod of the species <i>Gadus morhua</i>			
	0304 99 39		Frozen meat of cod of the species <i>Gadus ogac</i> and frozen fish meat of the species <i>Boreogadus saida</i>			
	0304 99 41		Frozen meat of coalfish (<i>Pollachius virens</i>)			
	ex 0304 99 51	11 15	Frozen meat of hake (<i>Merluccius</i> spp.)			
	0304 99 71		Frozen meat of blue whiting (<i>Micromesistius poutassou</i> or <i>Gadus poutassou</i>)			
	ex 0304 99 99	20 25 30 40 50 60 65 69 70 81 89 90	Other frozen fish meat, except mackerel			

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Order No	CN code	TARIC subdivision	Description of products	Quota period	Quota volume (in tonnes net weight unless otherwise specified)	Quota duty (%)
09.0811	0304 19 35		Fillets of redfish (<i>Sebastes</i> spp.), fresh or chilled	From 1.3.2011 to 30.4.2011	1 500	0
				From 1.5.2011 to 30.4.2012	750	
				From 1.5.2012 to 30.4.2013	750	
				From 1.5.2013 to 30.4.2014	750	
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 19 30		Frozen Norway lobsters (<i>Nephrops norvegicus</i>)	From 1.1 to 31.12	50	0
09.0810	0306 19 30		Frozen Norway lobsters (<i>Nephrops norvegicus</i>)	From 1.3.2011 to 30.4.2011	1 040	0
				From 1.5.2011 to 30.4.2012	520	
				From 1.5.2012 to 30.4.2013	520	
				From 1.5.2013 to 30.4.2014	520	
09.0797	1604 12 91 1604 12 99		Other prepared or preserved herrings, whole or in pieces but not minced	From 1.1 to 31.12	2 400	0
09.0798	1604 19 98		Other prepared or preserved fish, whole or in pieces but not minced	From 1.1 to 31.12	50	0
	ex 1604 20 90	20 30 35 50 60 90	Other prepared or preserved fish, except herring and mackerel			

^(a) Entry under this subheading is subject to the conditions laid down in the relevant Community provisions (see Articles 291 to 300 of Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1)).

⁽¹⁾ As the MFN duty is free from 15 February to 15 June, the benefit of the tariff quota shall not be granted to goods declared for free circulation during this period.