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COMMISSION REGULATION (EC) No 2497/2001

of 19 December 2001

opening and providing for the administration of Community tariff quotas for certain fish and fishery products originating in the Republic of Croatia

(OJ L 337, 20.12.2001, p. 27)

Amended by:

	Official Journal		
	No	page	date
► <u>M1</u> Commission Regulation (EC) No 607/2003 of 2 April 2003	L 86	18	3.4.2003
► <u>M2</u> Commission Regulation (EC) No 2088/2004 of 7 December 2004	L 361	3	8.12.2004

**COMMISSION REGULATION (EC) No 2497/2001****of 19 December 2001****opening and providing for the administration of Community tariff quotas for certain fish and fishery products originating in the Republic of Croatia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2248/2001 of 19 November 2001 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, and for applying the Interim Agreement between the European Community and the Republic of Croatia ⁽¹⁾, and in particular Articles 4 and 5 thereof,

Whereas:

- (1) The Council is in the process of concluding a Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, hereinafter referred to as 'the Stabilisation and Association Agreement'.
- (2) Pending the completion of the procedure necessary for the ratification and entry into force of the Stabilisation and Association Agreement, the Council is also in the process of concluding an Interim Agreement between the European Community, of the one part, and the Republic of Croatia, of the other part, covering trade and trade-related matters, hereinafter referred to as 'the Interim Agreement', which will be applied as of 1 January 2002.
- (3) The Interim Agreement and the Stabilisation and Association Agreement stipulate that certain fish and fishery products originating in Croatia may be imported into the Community, within the limits of Community tariff 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 are repeated for an indeterminate period. The Commission should adopt the implementing measures for the opening and the administration of the Community tariff quotas.
- (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 Community Customs Code ⁽²⁾, as last amended by Regulation (EC) No 993/2001 ⁽³⁾, has codified the management rules for tariff quotas designed to be used following the chronological order of dates of customs declarations.
- (6) Particular care should be taken to ensure that all Community importers 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 a common administration of these quotas, there is no obstacle to authorising the Member States to draw from the quota volumes the necessary quantities corresponding to actual imports. However, 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 used up and inform the Member States

⁽¹⁾ OJ L 304, 21.11.2001, p. 1.

⁽²⁾ OJ L 253, 11.10.1993, p. 1.

⁽³⁾ OJ L 141, 28.5.2001, p. 1.

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accordingly. For reasons of speed and efficiency, communication between the Member States and the Commission should, as far as possible, take place by telematic link.

- (7) This Regulation should be applied upon the entry into force or the date of provisional application of the Interim Agreement and should remain in application upon 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

1. When products originating in Croatia and listed in the Annex are put into free circulation in the Community, accompanied by a proof of origin as provided for in the Origin Protocol to the Interim Agreement and to the Stabilisation and Association Agreement, they shall benefit from a reduced or a zero-rate of customs duty, at the levels and within the limits of the annual Community tariff quotas specified in that Annex.

2. The tariff quotas referred to in this Article shall be administered by the Commission in accordance with Articles 308a to 308c of Regulation (EEC) No 2454/93.

3. Each Member State shall ensure that importers of the products in question have equal and uninterrupted access to the tariff quotas for as long as the balance of the relevant quota volume so permits.

4. Communications referring to the management of tariff quotas between the Member States and the Commission shall be effected, as far as possible, by telematic link.

Article 2

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

Article 3

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 2002, and it shall remain in application upon the entry into force of the Stabilisation and Association Agreement.

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 Sub-division	Description	Annual tariff quota volume (net weight)	Tariff quota duty
09.1581	0301 91 10		Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>): live; fresh or chilled; frozen; dried, salted or in brine; smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	30 tonnes	Exemption
	0301 91 90				
	0302 11 10				
	0302 11 20				
	0302 11 80				
	0303 21 10				
	0303 21 20				
	0303 21 80				
	0304 10 15				
	0304 10 17				
	ex 0304 10 19	40			
	ex 0304 10 91	10			
	0304 20 15				
	0304 20 17				
	ex 0304 20 19	50			
	ex 0304 90 10	11, 17, 40			
ex 0305 10 00	10				
ex 0305 30 90	50				
0305 49 45					
ex 0305 59 80	61				
ex 0305 69 80	61				
09.1582	0301 93 00		Carp: live; fresh or chilled; frozen; dried, salted or in brine; smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	210 tonnes	Exemption
	0302 69 11				
	0303 79 11				
	ex 0304 10 19	30			
	ex 0304 10 91	20			
	ex 0304 20 19	40			
	ex 0304 90 10	16			
	ex 0305 10 00	20			
	ex 0305 30 90	60			
	ex 0305 49 80	30			
	ex 0305 59 80	63			
ex 0305 69 80	63				
09.1583	ex 0301 99 90	80	Sea bream (<i>Dentex dentex</i>) and (<i>Pagellus</i> spp.): live; fresh or chilled; frozen; dried, salted or in brine; smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	35 tonnes	Exemption
	0302 69 61				
	0303 79 71				
	ex 0304 10 38	80			
	ex 0304 10 98	77			
	ex 0304 20 94	50			
ex 0304 90 97	82				

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Order No	CN code	TARIC Sub-division	Description	Annual tariff quota volume (net weight)	Tariff quota duty
	ex 0305 10 00 ex 0305 30 90 ex 0305 49 80 ex 0305 59 80 ex 0305 69 80	30 70 40 65 65			
09.1584	ex 0301 99 90 0302 69 94 ex 0303 77 00 ex 0304 10 38 ex 0304 10 98 ex 0304 20 94 ex 0304 90 97 ex 0305 10 00 ex 0305 30 90 ex 0305 49 80 ex 0305 59 80 ex 0305 69 80	15, 17, 28 ⁽¹⁾ 10 85 79 60 84 40 80 50 67 67	Sea bass (<i>Dicentrarchus labrax</i>): live; fresh or chilled; frozen; dried, salted or in brine; smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	from 1 January to 31 December 2004: 550 tonnes + 66,66 tonnes increase from 1 May to 31 December 2004 from 1 January to 31 December 2005 and for every year thereafter: 650 tonnes	Exemption
09.1585	1604 13 11 1604 13 19 ex 1604 20 50	 10, 19	Prepared or preserved sardines	from 1 January to 31 December 2004: 180 tonnes	6 %
09.1586	1604 16 00 1604 20 40		Prepared or preserved anchovies	from 1 January to 31 December 2004: 40 tonnes + 6,66 tonnes increase from 1 May to 31 December 2004	Exemption
09.1587	1604		Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs	from 1 May to 31 December 2004: 860 tonnes from 1 January to 31 December 2005 and for every year thereafter: 1 550 tonnes	Exemption

⁽¹⁾ From 1 January 2005 the TARIC subdivisions 15, 17 and 28 will be replaced by 22.