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COUNCIL REGULATION (EU) 2023/2720

of 27 November 2023

opening and providing for the management of the Union autonomous tariff quotas for certain fishery products for the 2024–2026 period

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission,

Whereas,

(1) Union supplies of certain fishery products currently depend on imports from third countries. In recent decades, the Union has become more dependent on imports to meet its demand for fishery products. In order to ensure that the Union's production of fishery products is not jeopardised and that there is an adequate supply of fishery products to its processing industry, import duties should be suspended or reduced for a number of fishery products within tariff quotas of an appropriate volume. To ensure fair competition between imported fishery products and Union fishery products on the Union market, the impact of the measures on the competitiveness of Union fish producers should also be taken into consideration.

(2) Council Regulation (EU) 2020/1706 ([1]) opened and provided for the management of autonomous Union tariff quotas for certain fishery products for the 2021–2023 period. Given that the period of application of that Regulation expires on 31 December 2023, a new regulation providing for tariff quotas should be adopted for the 2024–2026 period.

(3) Since July 2014, the Union has progressively imposed restrictive measures against Russia. In its conclusions of 24 February 2022, the European Council stated that Russia's unprovoked and unjustified military aggression against Ukraine is grossly violating international law and the principles of the Charter of the United Nations and is undermining European and global security and stability.

(4) Most recently, on 23 June 2023, the Council adopted an eleventh package of restrictive measures against Russia because of its continuous war of aggression against Ukraine.

(5) While Russia is a member of the World Trade Organization (WTO), the Union can rely on the exceptions that apply under the Agreement Establishing the World Trade Organization ('WTO Agreement'), and in particular Article XXI of the General Agreement on Tariffs and Trade (GATT) 1994, in particular with regard to the obligation to accord to products imported from Russia the advantages granted to like products imported from other countries (most-favoured-nation treatment).

(6) In light of the deterioration of relations between the Union and Russia, in order to ensure coherence with the Union's actions and principles in the field of the Union's external action, it would therefore not be appropriate to allow products originating from Russia to enjoy duty-free treatment and most-favoured-nation treatment with regard to the products that fall within the scope of this Regulation.

(7) Relations between the Union and Belarus have deteriorated over the past years, because of the Belarusian regime's disregard for international law, fundamental rights and human rights. In addition, Belarus has provided extensive support to the Russian war of aggression against Ukraine from its very beginning.

([1]) Council Regulation (EU) 2020/1706 of 13 November 2020 opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the 2021–2023 period (OJ L 385, 17.11.2020, p. 3).

(8) Since October 2020, the Union has progressively imposed restrictive measures against Belarus over continued human rights abuses, the instrumentalisation of migrants and the involvement of Belarus in the Russian war of aggression against Ukraine. As Belarus is not a member of the WTO, the Union is not obliged, by virtue of the WTO Agreement, to accord the most-favoured-nation treatment to products from Belarus.

(9) In light of the deterioration of the relations between the Union and Belarus, in order to ensure coherence with the Union's actions and principles in the field of the Union's external action, it would therefore not be appropriate to allow products originating from Belarus to enjoy duty-free treatment with regard to the products that fall within the scope of this Regulation.

(10) Exclusion of products from Belarus and Russia, notably Alaska pollock, from the scope of this Regulation will have impact on trade flows and will require adaptation by the Union industry. If, as a consequence, raw materials which are currently not covered by the scope of this Regulation are identified as equivalent to those products and urgently needed during the adaptation period, this Regulation may be revised to take those circumstances into account.

(11) All Union importers should benefit from equal and uninterrupted access to the tariff quotas provided for in this Regulation, and the rates set out for the tariff quotas should be applied without interruption to all imports of the fishery products concerned into all Member States until the tariff quotas have been used up.

(12) Commission Implementing Regulation (EU) 2015/2447 ([2]) provides for a system of tariff-quota management which follows the chronological order of the dates on which the custom declarations for release for free circulation were accepted. Since the tariff quotas are intended to ensure the adequate supply of fishery products to the Union's processing industry, a minimum level of treatment or operation should be required for quota entitlement.

(13) To ensure that the tariff quotas are managed in an efficient way, Member States should be allowed to draw from the tariff 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 Commission should be able to monitor the rate at which the tariff quotas are used up and should inform the Member States accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

The tariff quotas referred to in Article 1 of this Regulation shall be managed in accordance with Articles 49 to 54 of Implementing Regulation (EU) 2015/2447.

Article 3

The tariff quotas shall be subject to end-use customs supervision in accordance with Article 254 of Regulation (EU) No 952/2013 of the European Parliament and of the Council ([3]).

([2]) 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]) 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).

Article 4

1. The suspension or reduction of import duties shall apply only to products intended for human consumption.

2. The tariff quotas shall not be available for products whose processing is carried out at retail or catering level.

3. The tariff quotas shall not be available for products intended solely for one or more of the following operations:

(a) cleaning, gutting, tailing and heading;

(b) cutting;

(c) repacking of frozen individually quick-frozen (IQF) fillets;

(d) sampling and sorting;

(e) labelling;

(f) packing;

(g) chilling;

(h) freezing;

(i) deep-freezing;

(j) defrosting;

(k) glazing;

(l) thawing; and

(m) separation.

4. Notwithstanding paragraph 3, the tariff quotas shall be available for products intended for one or more of the following operations:

(a) dicing;

(b) cutting into rings and cutting into strips for materials under CN codes ex 0307 43 35, ex 0307 43 91, ex 0307 43 92 and ex 0307 43 99;

(c) filleting;

(d) production of flaps;

(e) cutting of frozen blocks;

(f) splitting of frozen interleaved fillet and cephalopod blocks to obtain individual fillets;

(g) slicing for materials under CN codes ex 0303 66 11, ex 0303 66 12, ex 0303 66 13, ex 0303 66 19, ex 0303 89 70 and ex 0303 89 90;

(h) treatment by packaging gases as defined in Annex I to Regulation (EC) No 1333/2008 of the European Parliament and of the Council ([4]) for products under CN codes 0306 16 99 (TARIC subdivision 20 and 30), 0306 17 92 (TARIC subdivision 20), 0306 17 99 (TARIC subdivision 10), 0306 35 90 (TARIC subdivisions 12, 14, 92 and 93), 0306 36 90 (TARIC subdivisions 20 and 30), 1605 21 90 (TARIC subdivisions 45, 55 and 62) and 1605 29 00 (TARIC subdivisions 50, 55 and 60);

(i) dividing the frozen product or subjecting the frozen product to heat treatment to enable the removal of internal waste material for materials under CN codes 0306 11 10 (TARIC subdivision 10), 0306 11 90 (TARIC subdivision 20) and 0306 31 00 (TARIC subdivision 10);

(j) pasteurisation under CN codes 0305 20 00 and 1604 32 00;

(k) cleaning in case this operation is the only one that can be performed on a particular good and the cleaning is necessary to obtain the product acceptable for human consumption (fish roe from headings 0302, 0303 and 0305; shrimps from heading 0306; frozen fish, excluding fish fillets and other fish meat, of the species *Gadus morhua* for processing under CN code 0303 63 10, of the species *Merluccius*, excluding *Merluccius merluccius*, for processing under CN codes 0303 66 11, 0303 66 12, 0303 66 13 and 0303 66 19, and of the species *Theragra chalcogramma* for processing under CN code 0303 67 00); and

([4]) Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

(l) modified atmosphere packaging under CN code 1605 40 00.

5. The tariff quotas shall not be available to products originating from Russia or Belarus.

For the purpose of establishing the origin of products under the quotas, non-preferential rules of origin shall apply in accordance with Article 60 of Regulation (EU) No 952/2013.

Article 5

The Commission and the customs authorities of the Member States shall cooperate closely to ensure the proper management and control of the application of this Regulation.

Article 6

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

It shall apply from 1 January 2024 to 31 December 2026.

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

Done at Brussels, 27 November 2023.

For the Council
The President
X. MÉNDEZ BÉRTOLO

ANNEX

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) (1)	Quota duty	Quota period
09.2503	ex 0303 39 85	80	Flatfish (*Limanda aspera*, *Lepidopsetta bilineata*, *Pleuronectes quadrituberculatus*, *Limanda ferruginea*, *Lepidopsetta polyxystra*, *Eopsetta jordani*), frozen, for processing	7 500	0 %	1.1.2024–31.12.2026
	ex 0303 39 85	90				
09.2504	0302 11 20	10	Trout of the species *Oncorhynchus mykiss*, with heads and gills on, gutted, weighing more than 1,2 kg each, or with heads off, gilled and gutted, weighing more than 1 kg each, for processing	10 000	5 %	1.1.2024–31.12.2026
09.2505	ex 0303 54 10	95 (2)	Chub mackerel (*Scomber japonicus*), whole, fillets and flaps, for processing	5 000	7,5 %	1.1.2024–31.12.2026
	ex 0304 89 49	20				
	ex 0304 99 99	12				
09.2508	ex 0307 43 35	10	Squid of the species *Loligo gahi*, frozen, for processing	75 000	0 %	1.1.2024–31.12.2026
09.2746	ex 0302 89 90	30	Southern red snapper (*Lutjanus purpureus*), fresh, chilled, for processing	1 500	0 %	1.1.2024–31.12.2026
09.2748	ex 0302 91 00	96	Hard fish roes, fresh, chilled or frozen, salted or in brine, for processing	5 700	0 %	1.1.2024–31.12.2026
	ex 0303 91 90	96				
	ex 0305 20 00	41				
09.2750	ex 0305 20 00	35	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine, for manufacture of caviar substitutes	1 200	0 %	1.1.2024–31.12.2026
	ex 1604 32 00	20				
09.2759	ex 0302 51 10	20	Cod (*Gadus morhua*, *Gadus ogac*, *Gadus macrocephalus*) and fish of the species *Boreogadus saida*, excluding livers and roes, fresh, chilled or frozen, for processing	110 000	0 %	1.1.2024–31.12.2026
	ex 0302 51 90	10				
	ex 0302 59 10	10				
	ex 0303 63 10	10				
	ex 0303 63 30	10				
	ex 0303 63 90	10				
	ex 0303 69 10	10				

09.2760	ex 0303 66 11	10	Hake (*Merluccius* spp. excluding *Merluccius, Urophycis* spp.), and pink cusk-eel (*Genypterus blacodes* and *Genypterus capensis*), frozen, for processing	10 000	0 %	1.1.2024–31.12.2026
	ex 0303 66 12	10				
	ex 0303 66 13	10				
	ex 0303 66 19	11				
		91				
	ex 0303 89 70	10				
	ex 0303 89 90	30				
09.2761	ex 0304 79 50	10	Blue grenadier (*Macruronus Novaezelandiae*) and Patagonian grenadier (*Macruronus magellanicus*), frozen fillets and other frozen meat, for processing	17 500	0 %	1.1.2024–31.12.2026
	ex 0304 95 90	11				
	ex 0304 79 90	11				
09.2762	ex 0306 11 10	10	Rock lobster and other sea crawfish (*Palinurus* spp., *Panulirus* spp., *Jasus* spp.), live, chilled, frozen, for processing	200	0 %	1.1.2024–31.12.2026
	ex 0306 11 90	20				
	ex 0306 31 00	10				
09.2765	ex 0305 62 00	20	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	2 000	0 %	1.1.2024–31.12.2026
		25				
		29				
	ex 0305 69 10	10				
09.2770	ex 0305 63 00	10	Anchovies (*Engraulis anchoita*), salted or in brine, but not dried or smoked, for processing	1 500	0 %	1.1.2024–31.12.2026
09.2772	ex 0304 93 10	10	Surimi, frozen, for processing	60 000	0 %	1.1.2024–31.12.2026
	ex 0304 94 10	10				
	ex 0304 95 10	10				
	ex 0304 99 10	10				
09.2774	ex 0304 74 15	10	Pacific hake (*Merluccius productus*) and Argentine hake (Southwest Atlantic hake) (*Merluccius hubbsi*), frozen fillets and other meat, for processing	40 000	0 %	1.1.2024–31.12.2026
	ex 0304 74 19	10				
	ex 0304 95 50	10				
		20				

09.2776	ex 0304 71 10	10	Cod (*Gadus morhua*, *Gadus macrocephalus*), frozen fillets and frozen meat, for processing	45 000	0 %	1.1.2024–31.12.2026
	ex 0304 71 90	10				
	ex 0304 95 21	10				
	ex 0304 95 25	10				
09.2777	ex 0303 67 00	10	Alaska pollack (*Theragra chalcogramma*), frozen, frozen fillets and other frozen meat for processing	340 000	0 %	1.1.2024–31.12.2026
	ex 0304 75 00	10				
	ex 0304 94 90	10				
09.2778	ex 0304 83 90	21	Flatfish (*Limanda aspera*, *Lepidopsetta bilineata*, *Pleuronectes quadrituberculatus*, *Limanda ferruginea*, *Lepidopsetta polyxystra*), frozen fillets and other fish meat, for processing	10 000	0 %	1.1.2024–31.12.2026
	ex 0304 99 99	65				
09.2785	ex 0307 43 91	10	Pod ([3]) of squid (*Ommastrephes* spp. – excluding *Todarodes sagittatus* (synonym *Ommastrephes sagittatus*) –, *Nototodarus* spp., *Sepioteuthis* spp.) and *Illex* spp., frozen, with skin and fins, for processing	20 000	0 %	1.1.2024–31.12.2026
	ex 0307 43 92	10				
	ex 0307 43 99	21				
09.2786	ex 0307 43 91	20	Squid (*Ommastrephes* spp. – excluding *Todarodes sagittatus* (synonym *Ommastrephes sagittatus*) -, *Nototodarus* spp., *Sepioteuthis* spp.) and *Illex* spp., frozen, whole or tentacles and fins, for processing	5 000	0 %	1.1.2024–31.12.2026
	ex 0307 43 92	20				
	ex 0307 43 99	29				
09.2790	ex 1604 14 26	10	Filets known as 'loins' of tunas and skipjack, for processing	35 000	0 %	1.1.2024–31.12.2026
	ex 1604 14 36	10				
	ex 1604 14 46	11				
		21				
		92				
		94				
09.2794	ex 1605 21 90	45	Shrimps and prawns of the species *Pandalus borealis* and *Pandalus montagui* cooked and peeled, for processing	4 500	0 %	1.1.2024–31.12.2026
		55				
		62				
	ex 1605 29 00	50				
		55				
		60				

09.2798	ex 0306 16 99	20	Shrimps and prawns of the species *Pandalus borealis* and *Pandalus montagui*, in shells, fresh, chilled or frozen for processing	2 000	0 %	1.1.2024–31.12.2026
		30				
	ex 0306 35 90	12				
		14				
		92				
		93				
09.2800	ex 1605 21 90	55	Shrimps and prawns of the species *Pandalus jordani*, cooked and peeled, for processing	4 000	0 %	1.1.2024–31.12.2026
	ex 1605 29 00	60				
09.2802	ex 0306 17 92	20	Shrimps and prawns of the species *Penaeus Vannamei* and *Penaeus monodon*, whether in shell or not, fresh, chilled or frozen, not cooked, for processing	48 000	0 %	1.1.2024–31.12.2026
	ex 0306 36 90	30				
09.2804	ex 1605 40 00	40	Crayfish tails of the species *Procambarus clarkii*, cooked, for processing	2 500	0 %	1.1.2024–31.12.2026
09.2821	0307 43 33	10	Squid of the species *Loligo pealeii*, frozen, for processing	1 000	0 %	1.1.2024–31.12.2026
09.2822	ex 0303 11 00	20	Pacific salmon of the species *Oncorhynchus nerka* (sockeye salmon (red salmon)), *Oncorhynchus kisutch*, *Oncorhynchus keta* and *Oncorhynchus tshawytscha*, headed and gutted, and in the form of fillets, frozen, for processing	10 000	0 %	1.1.2024–31.12.2026
	ex 0303 12 00	20				
	ex 0304 81 00	20				
09.2824	0302 52 00	10	Haddock (*Melanogrammus aeglefinus*) fresh, chilled or frozen with heads off, gilled and gutted, for processing	3 500	0 %	1.1.2024–31.12.2026
	0303 64 00	10				
09.2826	ex 0306 17 99	10	Shrimps and prawns of the species *Pleoticus Muelleri*, whether in shell or not, fresh, chilled or frozen, for processing	16 000	0 %	1.1.2024–31.12.2026
	ex 0306 36 90	20				
09.2515	ex 0304 61 00	10	Frozen fillets of tilapia (*Oreochromis* spp.)	10 000	0 %	1.1.2024–31.12.2026

(1) Expressed in net weight, unless otherwise stated.
(2) From 15 February to 15 June, the benefit of the tariff quota shall not be granted to goods declared for free circulation.
(3) Body of cephalopod or the squid headless and without tentacle, with skin and fins.