



Brussels, 1.6.2016
COM(2016) 315 final

2016/0158 (NLE)

Proposal for a

COUNCIL REGULATION

**amending Council Regulation (EU) 2015/2265 opening and providing for the
management of autonomous Union tariff quotas for certain fishery products for the
period 2016 to 2018**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

Council Regulation (EU) 2015/2265 opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2016 to 2018 was adopted on 7 December 2015.

The objective of the regulation is to ensure the competitiveness of the European Union processing industry by guaranteeing an adequate supply of fishery products to the industry without jeopardising the Union production of fishery products. To this end, the regulation reduces or suspends import duties for some fishery products under tariff quotas of an appropriate volume. It also specifies the processing operations under which the use of tariff quotas is available ('qualifying operations') or not available.

Since the Regulation was adopted, some EU processors and Member States have informed the Commission that the Union processing sector cannot adequately use the tariff quota with order No 09.2760 (whole hake and Pink cusk-eel). They say this is because the qualifying operations for this product do not include 'slicing'.

The Union processing industry states that around 95 % of this tariff quota would be used for processing it through slicing. It is therefore necessary to introduce slicing as a qualifying operation to ensure the use of this quota and the competitiveness of this specific sector.

- **Consistency with existing policy provisions in the policy area**

Not applicable

- **Consistency with other Union policies**

Not applicable

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

Article 31 of the Treaty on the Functioning of the European Union.

- **Subsidiarity (for non-exclusive competence)**

Common Customs Tariff duties fall under the exclusive competence of the Union. The subsidiarity principle therefore does not apply for these provisions.

- **Proportionality**

The proposal complies with the principle of proportionality for the following reason: the customs union is a common policy and should therefore be implemented through a Regulation adopted by the Council.

- **Choice of the instrument**

Not applicable

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable

- **Stakeholder consultations**

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- **Collection and use of expertise**

Not applicable

- **Impact assessment**

Not applicable. It is a "technical" amendment to the Regulation n°2015/2265 adopted last December 2015. For Regulation n°2015/2265, no impact assessment was necessary.

- **Regulatory fitness and simplification**

Not applicable

- **Fundamental rights**

Not applicable

4. BUDGETARY IMPLICATIONS

The proposal does not have a budgetary impact for the Commission.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Not applicable

- **Explanatory documents (for directives)**

Not applicable

- **Detailed explanation of the specific provisions of the proposal**

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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) Council Regulation (EU) 2015/2265¹ opens and provides for the management of autonomous Union tariff quotas for certain fishery products for the period 2016 to 2018. Appropriate volumes have been decided for each tariff quota so as to guarantee appropriate supply conditions for the Union industry for the period 2016 to 2018.
- (2) The third paragraph of footnote 2 of the Annex to Regulation (EU) 2015/2265 describes the processing operations for which certain tariff quotas may be used. That paragraph does not include slicing among those qualifying operations as regards frozen hake and pink cusk-eel covered by the tariff quota bearing order no. 09.2760
- (3) For that tariff quota to be used, it is appropriate to include slicing as a qualifying operation.
- (4) Regulation (EU) 2015/2265 should therefore be amended accordingly.
- (5) The period in which the quotas opened by Regulation (EU) 2015/2265 apply in the first year runs from 1 January to 31 December 2016. Since it is necessary to ensure equal treatment among economic operators, this Regulation should be retroactive to 1 January 2016.

HAS ADOPTED THIS REGULATION:

Article 1

In the third paragraph of footnote 2 of the Annex to Regulation (EU) 2015/2265, the following indent is added:

‘- slicing for materials under CN codes ex 0303 66 11, 0303 66 12, 0303 66 13, 0303 66 19, 0303 89 70, 0303 89 90’.

¹ COUNCIL REGULATION (EU) 2015/2265 of 7 December 2015 opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2016-2018, L 322, 08.12.2015, p. 4.

Article 2

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 2016.

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

Done at Brussels,

For the Council
The President