

**COMMISSION IMPLEMENTING REGULATION (EU) 2021/2205****of 13 December 2021****amending Regulation (EC) No 847/2006 as regards the volume of certain prepared or preserved fish originating in Thailand that may be imported under tariff quota 09.0706**

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2006/324/EC of 27 February 2006 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Thailand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the course of their accession to the European Union <sup>(1)</sup>, and in particular Article 2 thereof,

Whereas:

- (1) Commission Regulation (EC) No 847/2006 <sup>(2)</sup> establishes the administration of Community tariff quotas for certain prepared or preserved fish. The Agreement between the European Union and the Kingdom of Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions on all the tariff-rate quotas included in the EU Schedule CLXXV as a consequence of the United Kingdom's withdrawal from the European Union <sup>(3)</sup>, lays down the quantity for certain tariff-rate quotas of the Union with regard to the volumes of products to be imported from Thailand. The Agreement entered into force on 20 July 2021.
- (2) The quantity for certain tariff-rate quotas of the Union as laid down in that Agreement for the volume of certain prepared or preserved fish should be reflected in Regulation (EC) No 847/2006.
- (3) Regulation (EC) No 847/2006 should therefore be amended accordingly.
- (4) Due to the urgent need to implement the Agreement, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*. As the amendments introduced by this Regulation concern the tariff quota period that is ongoing on the date of its entry into force, it is necessary to lay down transitional provisions for that period.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1***Amendment to Regulation (EC) No 847/2006**

Regulation (EC) No 847/2006 is amended as follows:

- (1) in Article 1, paragraph 2 is replaced by the following:

'2. An annual tariff quota of 1 054 tonnes with exemption of customs duties shall be opened for Union imports of prepared or preserved fish of sardines, bonito, mackerel of the species *Scomber scombrus* and *Scomber japonicus*, fish of the species *Orcynopsis unicolor*, other than whole or in pieces, falling within CN code 1604 20 50.;

<sup>(1)</sup> OJ L 120, 5.5.2006, p. 17.

<sup>(2)</sup> Commission Regulation (EC) No 847/2006 of 8 June 2006 opening and providing for the administration of Community tariff quotas for certain prepared or preserved fish (OJ L 156, 9.6.2006, p. 8).

<sup>(3)</sup> OJ L 274, 30.7.2021, p. 57.

(2) in Article 2, paragraph 2 is replaced by the following:

'2. of the tariff quota of 1 054 tonnes in Article 1(2), 423 tonnes shall apply within order number 09.0706 to imports originating in Thailand, and the remaining part, notably 631 tonnes, shall apply within order number 09.0707 to imports originating in all third countries except the United Kingdom.'

#### *Article 2*

#### **Transitional provisions for the ongoing tariff quota period**

1. The volume available for the remainder of the tariff quota period that is ongoing on the date of entry into force of this Regulation shall be the difference between the quota volume as amended by this Regulation and the quota volume already allocated before the date of entry into force of this Regulation.

2. If upon the entry into force of this Regulation, the quota applicable on 13 December 2021 was exhausted, the new quota volume available shall be allocated to operators following the chronological order of the acceptance dates of their customs declarations for release for free circulation. Operators who imported their goods during the ongoing tariff quota period, but before the entry into force of this Regulation, without benefitting from the tariff quota shall be reimbursed, at their request and to the extent that the balance of the tariff quota so permits, the difference in duty already paid.

#### *Article 3*

#### **Entry into force**

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

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

Done at Brussels, 13 December 2021.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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