



August 1, 2020

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Office of the United States Trade Representative
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Andrew Lawler
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Re: National Oceanic and Atmospheric Administration, Recommendations for a Comprehensive Interagency Seafood Trade Strategy, RTID 0648-XQ012 (85 Fed. Reg. 41566) (July 10, 2020).

Filed electronically at SeafoodTrade.Strategy@noaa.gov.

Dear Messrs. Sanford and Lawler:

The National Fisheries Institute (“NFI”) is pleased to file comments in response to the above-captioned Federal Register Notice. NFI is the national trade association for the commercial seafood industry, representing harvesters, vessel owners, processors, distributors, retailers, seafood restaurants, and – of particular importance here – leading American seafood exporters. These companies collectively provide American and overseas families with tens of millions of premium, sustainable seafood meals every year, utilizing a resource that is the principal protein for an estimated three billion people around the globe.

President Donald Trump on May 7, 2020 issued Executive Order No. 13921, “Promoting American Seafood Competitiveness and Economic Growth” (the “Executive Order”). The Executive Order focuses exclusively on commercial seafood production, deregulatory, and international trade priorities. The President in this document states, “It is the policy of this Administration to identify and remove unnecessary regulatory barriers restricting American fishermen and aquaculture producers.” In furtherance of this policy, the Executive Order establishes a Seafood Trade Task Force led by the United States Trade Representative and the Secretary of Commerce. The Task Force is directed to prepare

a comprehensive interagency seafood trade strategy that identifies opportunities to improve access to foreign markets through trade policy and negotiations, resolves technical barriers to United States seafood exports, and otherwise supports fair market access for United States seafood products.¹

The joint Office of the United States Trade Representative (“USTR”)-Department of Commerce (“Commerce”) Federal Register Notice seeks comment on what these barriers are, and what opportunities exist to address them. NFI appreciates the opportunity to document the existing barriers and to offer suggested remedies.

A. American Seafood Exports Are In Difficult Straits.

NFI commends the President for recognizing the importance of seafood exports to the American economy, to the fishermen and downstream workers those exports support, and to the coastal *and* inland communities these workers help to sustain.² Exports are indispensable to the modern commercial seafood industry in the United States. For instance, according to the Alaska Seafood Marketing Institute, of every 10 pounds of Alaska catch landed in 2019, 8 were shipped abroad.

The Administration focus on seafood exports comes at a difficult time for exporters. In region after region, U.S. producers are encountering significant and in some cases insuperable barriers. Consider four examples:

- Seafood exports to China, which had been the largest destination for U.S. seafood exports, have declined 33 percent from their 2017 levels, as exporters were (and continue to be) buffeted by a wave of tariff retaliation against USTR’s Section 301 tariffs – and even as China has unilaterally *lowered* tariffs on seafood products necessary to feed its population.

¹ Executive Order No. 13921, Section 11 (May 7, 2020) (attached) (<https://www.federalregister.gov/documents/2020/05/12/2020-10315/promoting-american-seafood-competitiveness-and-economic-growth>).

² NFI also commends the President for recognizing the vital importance lobster and other seafood products play in the national reopening and economic recovery. In his recent Memorandum, the President directed USTR, Commerce, and USDA to take actions to ameliorate the trade and broader economic difficulties recently experienced by U.S. lobster and other seafood producers. Memorandum on Protecting the United States Lobster Industry (June 24, 2020) (the “June 24 Presidential Memorandum”) (<https://www.whitehouse.gov/presidential-actions/memorandum-protecting-united-states-lobster-industry/>).

- The Administration’s 2019 agreement with Japan omitted seafood trade matters entirely, thus leaving undisturbed tariff and nontariff barriers that have frustrated U.S. exports to Japan for decades.
- An embargo against all U.S. seafood, imposed by Russia in 2014, terminated sales to a strong market.
- A trade agreement with the European Union intended to yield “zero tariffs on industrial goods” has not materialized.³

The results of these and other difficulties are clear. Despite the nation’s excellent sustainability record, the seafood industry’s reputation for turning out wholesome, premium products, and the recent strong global economy, exports in 2019 declined to their 2011 levels.⁴ At the same time, major competitors Norway, Chile, Canada, Australia, and New Zealand have all experienced significant growth in their exports. It is not difficult to discern the principal cause of this and other examples: Decline in competitive market access.

The coronavirus pandemic has exacerbated this decline in multiple ways. Domestic and international seafood demand from outlets such as restaurants, hospitals, hotels, cruise ships, and casinos collapsed in March 2020 and has not recovered. Disease “spikes” in a given nation or region naturally lead to renewed lockdowns and further commercial disruption. Nor is the export supply chain itself immune. China officials have subjected U.S. exports to port of entry COVID-19 testing and have demanded that the Administration suspend shipments from any facility where a worker tests positive. This despite unanimous agreement among public health authorities – including in Beijing – that there is no evidence that seafood packaging and seafood itself can transmit the virus.⁵

These obstacles result not just in specific setbacks, but also in a climate of commercial uncertainty that impedes investment and innovation.

³ Remarks by President Trump and President Juncker of the European Commission in Joint Press Statements (July 25, 2018) (<https://www.whitehouse.gov/briefings-statements/remarks-president-trump-president-juncker-european-commission-joint-press-statements/>).

⁴ See “NOAA Fisheries of the United States 2018,” U.S. Trade Balance in Edible Fishery Products 2009-2018), at 5 (<https://www.fisheries.noaa.gov/resource/document/fisheries-united-states-2018-factsheet>).

⁵ NFI applauds USTR for rejecting these nonscientific demands. See Statements by Ambassador Dennis Shea, General Council Meeting, July 22, 2020 (<https://geneva.usmission.gov/wp-content/uploads/sites/290/Ambassador-Shea-Statements-delivered-WTO-General-Council-Meeting-July-22-2020-1.pdf>).

B. General Challenges & Recommendations.

1. USTR must prioritize the elimination or reduction of tariff and nontariff barriers in formal negotiations with trade partners.

NFI's suggested recommendations arise entirely out of the goals established by the President in Section 11 of the Executive Order. NFI urges the Task Force to adopt them all.⁶

Even if the Task Force does so, however, it will make little difference to seafood producers until the recommendations become USTR priorities in *actual bilateral or multilateral negotiations*. The Administration's October 17, 2019 U.S.-Japan Trade Agreement lowered Japan tariffs on U.S. agricultural products such as beef, pork, fruit, and wine; compelled Japan to make significant changes to information and communication technology regulation; and achieved other advances on behalf of U.S. exporters. But the agreement failed to address longstanding Japan tariff and nontariff barriers. This regrettable example will be repeated unless favorable Task Force recommendations make their way into the negotiating sessions with major trade partners.

This notion is true for the variety of negotiations into which USTR enters, but it applies with particular force to agreements negotiated pursuant to trade promotion authority. The Trade Facilitation and Trade Enforcement Act already directs USTR to make seafood exports a principal negotiating objective for all agreements arising under trade promotion authority:

(c) FISHERIES NEGOTIATIONS.—Section 102(b) of the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (Public Law 114–26; 19 U.S.C. 4201(b)) is amended by adding at the end the following: ...

(22) FISHERIES NEGOTIATIONS.—The principal negotiating objectives of the United States with respect to trade in fish, seafood, and shellfish products are—

(A) to obtain competitive opportunities for United States exports of fish, seafood, and shellfish products in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports of fish, seafood, and shellfish products in United States markets and to achieve fairer and more open conditions of trade in fish, seafood, and shellfish products, including by reducing or eliminating tariff and nontariff barriers.⁷

Unless U.S. negotiators convert Task Force tariff and nontariff recommendations into negotiating priorities and persuade U.S. trade partners to accede to them, these recommendations will be mildly interesting ideas, and nothing more.

⁶ Some commenters insist on using this process to raise issues unrelated to the goals Section 11 of the Executive Order directs the Task Force to advance. The Task Force should ignore these comments.

⁷ Trade Facilitation and Trade Enforcement Act of 2015, Pub. Law No. 114-125, Section 914 (Feb. 24, 2016) (<https://www.congress.gov/114/plaws/publ125/PLAW-114publ125.pdf>).

2. USTR & NOAA should undertake several actions to more effectively support U.S. exports in general.

NFI agrees with the At-Sea Processors Association (“APA”) and the Pacific Seafood Processors Association (“PSPA”) that improved interagency coordination concerning seafood trade policy priorities is needed, and that seafood needs a home within USTR.

With respect to the latter point, these units handle fish within USTR: Industry (tariffs), Agriculture (nontariff barriers), Environment (fishery management), and Multilateral Affairs (World Trade Organization matters). When a country office is then layered on to that group, up to five USTR units, reporting to four different ambassadorial-rank officials, might have seafood responsibilities in a given negotiation. The Task Force should give serious consideration to simplifying this picture in some fashion, guided by the concept that a single USTR office should be accountable for seafood trade priorities.⁸

NOAA should consider a change as well. U.S. fisheries are among the best-managed in the world, and the agency rightly has taken the position that fish caught under a Magnuson-Stevens Act-derived fishery management plan should be considered sustainable.⁹

NFI agrees. But too often the agency’s success is ignored in international markets, either in light of sustainability shortcomings from decades past, in favor of a welter of 3d party certification standards, or a combination of both. Although U.S. companies should have the option of pursuing such standards, by definition the products they export are sustainable. The Task Force should recommend a messaging campaign, focused on major seafood buyers around the world and centered on the Administration’s excellent fishery management program, and the sustainable U.S. products that are the direct result of that program. This is not a request for a USDA-style marketing program or a packaging label, but rather a straightforward Commerce campaign targeted at several hundred international seafood buyers, carrying this simple message: U.S. seafood exports come from among the world’s best-managed fisheries, and are by definition sustainable.

C. Specific Tariff & Nontariff Recommendations.

1. China.

Eliminate all PRC retaliatory tariffs. The first and most pressing China-related priority should be elimination of all PRC tariffs that were imposed on American seafood exports in the current bilateral dispute. It is widely known that China targeted U.S. goods exports with 25-35 percent tariffs. It is not widely acknowledged that these tariffs come on top of significant, preexisting seafood tariffs. For instance, live lobster exports today face 42 percent tariffs – a 35 percent and a seven percent preexisting tariff. This compares to the competing Canada product,

⁸ NFI recognizes that this situation to some extent arises out of the way international fora such as the WTO treat seafood matters. That should not preclude the Task Force from addressing this challenge in some fashion.

⁹ Samuel D. Rauch, "The Role of Certification in Rewarding Sustainable Fishing," Hearing before the Senate Committee on Commerce, Science & Transportation (Sept. 24, 2013) (<https://www.commerce.senate.gov/2013/9/the-role-of-certification-in-rewarding-sustainable-fishing>).

which faces only the latter. This retaliation has had a significant impact. For example, U.S. lobster exports to China plummeted from \$148 million in 2018 to \$51 million in 2019, a 65 percent drop.¹⁰

What is even less well understood is that Beijing in 2018 unilaterally *lowered* its bound rates on numerous seafood items. For instance, tariff rates on frozen Alaska pollock, Pacific cod fillets, sockeye salmon, and halibut dropped from 10 to 7 percent; frozen mussels, scallops, and oysters went from 14 to 10 percent; and Dungeness crab dropped from 14 to 7 percent.¹¹ Further, China now has free trade agreements with Australia, Chile, and New Zealand.¹² These developments enable seafood producers competing with U.S. harvesters to ship with zero or very low tariffs. Eliminating the retaliatory tariffs imposed by China would allow U.S. producers, at least, to begin to take advantage of PRC actions intended to increase seafood imports into China.

Reform the PRC tariff exclusion process. China in the Phase 1 Agreement committed to purchase an additional \$12.5 billion of U.S. agricultural products in 2020 and \$19.5 billion in 2021, over and above the 2017 baseline of \$20.9 billion. The overall two year purchase commitment of \$73.8 billion – \$33.4 billion this year followed by \$40.4 billion next year – includes all seafood purchases.¹³ To facilitate these purchases, China instituted a tariff exclusion process. Although it may be working for other commodities, this process is not working for the bulk of NFI member companies hoping to recover lost business with their China customers.

A May 2020 APA letter sent to USTR summarizes the multiple problems with this process:

Buyers are reluctant to apply. It is important to understand that seafood is a private sector enterprise in China, dominated by small buyers at arms-length from political leadership....

The opacity of the process often leaves both our companies and our buyers in the dark. The Chinese authorities deem these applications and awards confidential. This secrecy damages outcomes in several ways. It means that the seafood marketplace is not becoming aware of exclusions being awarded, which in turn limits uptake. It also means that in many instances we don't know whether current or potential buyers have applied for exclusions, and if so whether they have been

¹⁰ Department of Commerce data.

¹¹ *China Announces Tariff Adjustment for 2018*, Xinhua News (Dec. 15, 2017) (http://www.xinhuanet.com/english/2017-12/15/c_136829160.htm).

¹² See PRC Ministry of Commerce list of free trade agreement partners at <http://fta.mofcom.gov.cn/english/index.shtml#:~:text=The%20Chinese%20Government%20deems%20Free,an%20important%20supplement%20to%20the>. Although Canada and China do not yet have an FTA, Canada seafood exports to China increased 23 percent in 2018 over the prior year. See Fisheries and Oceans Canada analysis at https://www.dfo-mpo.gc.ca/ea-ae/economic-analysis/CANADAS_FISH_SEAFOOD_TRADE_CHINA_2018.pdf.

¹³ Economic and Trade Agreement Between the Government of the United States of America and the Government of the People's Republic of China, Chapter 6, Annex 6.1 (https://ustr.gov/sites/default/files/files/agreements/phase%20one%20agreement/Economic_And_Trade_Agreement_Between_The_United_States_And_China_Text.pdf).

approved. This further prevents any benefit under the exclusions process from reaching the seller.

Time- and quantity-limited exclusions foreclose gains. An additional challenge is the requirement that buyers apply for the exclusion on a short-term contractual basis. We typically negotiate contracts for deliveries that occur over a period of six months or more. Buyers don't know whether they will receive exclusions over the life of the contract, so they are unwilling to commit to a long-term supply plan from U.S. sources. There is no incentive for them to risk paying more for our product, and then being denied an exclusion down the road, when Russian product is available entirely free of the 30% retaliatory tariffs our product incurs.¹⁴

Through the first five months of the year, overall U.S. seafood exports to China were valued at \$325,900,083, a 26 percent reduction versus the 2017 base year. China cannot approach its 2020 purchase commitment of \$33.4 billion in food products if its seafood purchases fall *below* the 2017 level. Consistent with Section 3 of the June 24 Presidential Memorandum, the Task Force should seek reform of the PRC exclusion process through:

- A blanket exclusion, for a year or more, for a broad range of seafood products, similar to the existing exemption for U.S. fishmeal that China adopted in September 2019;
- Creation of an expanded – and transparent – exclusion process, perhaps modeled on the USTR exclusion process, in which the exclusion lasts for many months and runs with the tariff line, not with a particular applicant; or
- Removal, at the very least, of the volumetric “cap” applicable to each exclusion granted to a specific China buyer.

The Chapter 2 purchase commitments offer a path for American producers to recover ground lost in the last two years. But if those commitments do not translate into genuine commercial opportunities, then one of the Agreement's signal achievements will have been squandered.

Enforce SPS obligations established by the Phase 1 Agreement. The Phase 1 Agreement signed in January 2020 for the first time commits China to meeting important SPS and other requirements in the context of an enforceable bilateral accord. NFI applauds the Administration for this achievement. Now USTR must enforce these obligations. For instance, China's apparent threat to de-list seafood processing facilities in connection with positive COVID-19 cases among workers is unsupported by a risk assessment or other evidence, and conflicts with the apparently unanimous views of public health authorities about the lack of evidence demonstrating that food and food packaging serves as a means of transmitting the virus. In this light it is clear any de-listing of a facility (or a vessel) would violate Chapter 3 of the Agreement. The Task Force should

¹⁴ The Administration appears to agree that this process is not working as anticipated. See June 24 Presidential Memorandum (noting that “it is it remains unclear to what extent China's exclusions from its retaliatory tariffs will result in increased exports of United States lobster”).

recommend that in this and other instances USTR must vigorously enforce U.S. SPS rights the Agreement establishes.

2. Japan.

Per capita seafood consumption in Japan is roughly 300 percent of what it is in the United States. This fact, along with Japan's relative proximity to Alaska and Pacific Northwest fisheries, makes Japan a promising market for U.S. products. However, several longstanding tariff and nontariff barriers continue to frustrate that promise.

Eliminate tariffs. Though most Japan exports enter the U.S. duty free, American exports to Japan face tariffs of up to 10.5 percent. In fact, nearly all major U.S. exports to Japan – and especially products harvested in Alaska and the Pacific Northwest – face tariffs. This imbalance creates a competitive disadvantage in any number of seafood categories, including, among others, lobster, salmon, salmon roe, mackerel, ocean perch, sablefish, Pacific cod, sole, Alaska pollock, Alaska pollock surimi, Alaska pollock roe, fish bone meal, crab, and octopus.¹⁵ For instance, elimination of Japan's 3.5-10.5 percent tariffs on U.S. salmon would permit American producers to compete more effectively with their Chilean counterparts, who today ship salmon duty free to Japan.

Eliminate the import quota system. U.S. exports of Alaska pollock, Pacific cod, and herring, among others, are subject to the Japan import quota ("IQ") system. The IQ system creates difficulty for exporters in entering this market on a reliable basis, especially making it difficult for them to attract Japan partners needed to sell and distribute product across the country. USTR's annual National Trade Estimate Report on Foreign Trade Barriers has identified this barrier for 19 consecutive years. NFI is unaware of any improvement with respect to this challenge over nearly two decades.

Eliminate SPS barriers. Lastly, Japan for a decade has maintained an SPS barrier against U.S. lobster, in connection with lobster tomalley. Though the Food and Drug Administration ("FDA") has stated that lobster meat is unaffected by the toxins that can accumulate in tomalley, Japan determined that the supposed food safety risk in U.S. lobsters required imposition of mandatory inspections of all live lobsters arriving from the U.S. That requirement has necessitated a 20-40 hour delay in entry into Japan for each shipment – a requirement that competing lobster from Canada does not face. By substantially increasing the risk of mortality of live lobsters en route to customers across Japan, these inspections in effect have closed the Japan market to U.S. live lobster shipments. This barrier has festered for a decade.

¹⁵ See Japan Customs data at https://www.customs.go.jp/english/tariff/2020_6/data/e_03.htm.

3. Russia.

The Task Force should recommend concerted Administration action to have this embargo removed in its entirety.

4. European Union/United Kingdom.

The U.S. runs a \$341 million annual trade surplus with the European Union (“EU”), where, like Japan, consumers on average eat more seafood than do their U.S. counterparts. Enhancing access to this vital market and avoiding tariff retaliation should be core Task Force recommendations. Exports to the UK, too, should be a priority, for the UK as a stand-alone market is the fifth-largest export destination for U.S. seafood products. That is why, among other reasons, the Administration was right to prioritize a U.S.-UK free trade agreement.

Eliminate tariffs. The EU imposes tariffs ranging from 2 to 18 percent on major U.S. exports such as Alaska pollock, Pacific whiting, cold-water shrimp, cod, salmon, sole, squid, salmon, and lobster. For example, U.S. lobster exports face an 8 percent tariff, when the competing product from Canada enters duty free.¹⁶ Pacific whiting exports face up to a 15 percent duty. The current Alaska pollock ATQ ensures duty free entry up to 320,000 metric tons annually (see below), but it does not apply to individually quick frozen pollock fillets, subjecting those exports to a 13.7 percent tariff.

Separately, the UK recently issued a post-Brexit tariff regime that appears to copy the existing EU tariff schedule on all these products. This is disappointing, but, again, it gives the Task Force a clear objective in the context of the ongoing U.S.-UK negotiations. The UK must in fact open its market to U.S. seafood exporters, if it wants the benefits that come with liberalized access to the world’s largest consumer economy.

Eliminate ATQs for major U.S. exports. The EU’s autonomous tariff quota, or “ATQ,” provides duty free entry up to a specified volume of products, including Alaska pollock, whiting, cold-water shrimp, cod, surimi, roe, squid, and flatfish. Above that, a substantial tariff applies for the remainder of shipments in a given year. For some products, the EU establishes ATQs at a level insufficient to cover imports for the full calendar year. For example, the ATQ for Pacific whiting has been reached as early as July in recent years, triggering 6.1-15 percent tariffs, depending on the product form. Further, the ATQ system for seafood – and the often last-minute nature of ATQ renewals – compels U.S. exporters to make commercial decisions on noneconomic grounds. This approach should be scrapped in favor of a straight duty free, quota free regime.

¹⁶ Section 4 of the June 24 Presidential Memorandum acknowledges this exact problem, and directs the International Trade Commission to report on how best to ameliorate it.

NFI is informed that the EU offered all or most of these concessions during negotiations for the Transatlantic Trade and Investment Partnership, including moving to zero duties on all major seafood categories. Obtaining these concessions in future negotiations with the EU therefore should be a feasible and primary USTR goal.

As to Britain, NFI strongly prefers starting with a duty free, quota free regime in the newly separated UK market, as opposed to dealing with an ATQ patterned after its EU predecessor. Unfortunately, as PSPA points out, the UK appears intent on replicating this same system in its post-Brexit trade policy. The Task Force should insist on a fresh start.

Avoid retaliatory tariffs. The continuing threat of EU retaliation against U.S. exports, in unrelated disputes over aircraft manufacturing subsidies, does no favors for U.S. harvesters seeking stable market conditions. As of today, the EU continues to place over \$700 million in annual U.S. seafood exports under threat of 100 percent tariffs, in connection with the WTO Large Civil Aircraft Dispute. Contemplated Administration Section 232 tariffs on EU autos might trigger still more retaliation against U.S. seafood exports. Keeping seafood products clear of these wholly unrelated disputes will supply badly needed confidence in a critical market.¹⁷

Fully remove the ban on U.S. molluscan shellfish. This priority is well underway but must be pushed *to completion*. The EU for a decade has retaliated against the United States with a ban against certain raw and processed molluscan shellfish products. This embargo, which pertains to products FDA and state regulators approve for domestic consumption, is nonscientific. Because certain non-EU nations adopt EU food safety regulations at face value, the EU's action in this case in effect prohibits shipments beyond just EU Member States. NFI is concerned, too, that the UK might choose to institute a similar, nonscientific ban in the interim. The way to solve this problem is to ensure that the EU fully opens its market to both raw and processed shellfish, and in particular clams, as soon as possible.

¹⁷ NFI's July 26, 2020 comments on the WTO Large Civil Aircraft Dispute offer additional detail. See Docket No. USTR-2020-0023-00026078 (<https://comments.ustr.gov/s/commentdetails?rid=T7MBROBKCX>).

Conclusion

NFI appreciates the Administration's focus on the nation's commercial seafood producers and especially the Administration's recognition of the headwinds American exporters have recently experienced. On behalf of those companies, and the American workers and families those exporters support, NFI urges the Task Force to adopt all the suggested recommendations offered in these comments.

Respectfully submitted,



John Connelly
President

Attachments:

1. Executive Order 13921, Promoting American Seafood Competitiveness and Economic Growth (May 7, 2020)
2. European Council regulation establishing autonomous tariff quotas for certain fishery products (Dec. 3, 2018)

cc: The Hon. Wilbur Ross
The Hon. Robert Lighthizer
The Hon. Gregg Doud
The Hon. Neil Jacobs
The Hon. Larry Kudlow
The Hon. Chris Oliver



Presidential Documents

Executive Order 13921 of May 7, 2020

Promoting American Seafood Competitiveness and Economic Growth

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to strengthen the American economy; improve the competitiveness of American industry; ensure food security; provide environmentally safe and sustainable seafood; support American workers; ensure coordinated, predictable, and transparent Federal actions; and remove unnecessary regulatory burdens, it is hereby ordered as follows:

Section 1. Purpose. America needs a vibrant and competitive seafood industry to create and sustain American jobs, put safe and healthy food on American tables, and contribute to the American economy. Despite America's bountiful aquatic resources, by weight our Nation imports over 85 percent of the seafood consumed in the United States. At the same time, illegal, unreported, and unregulated fishing undermines the sustainability of American and global seafood stocks, negatively affects general ecosystem health, and unfairly competes with the products of law-abiding fishermen and seafood industries around the world. More effective permitting related to offshore aquaculture and additional streamlining of fishery regulations have the potential to revolutionize American seafood production, enhance rural prosperity, and improve the quality of American lives. By removing outdated and unnecessarily burdensome regulations; strengthening efforts to combat illegal, unreported, and unregulated fishing; improving the transparency and efficiency of environmental reviews; and renewing our focus on long-term strategic planning to facilitate aquaculture projects, we can protect our aquatic environments; revitalize our Nation's seafood industry; get more Americans back to work; and put healthy, safe food on our families' tables.

Sec. 2. Policy. It is the policy of the Federal Government to:

- (a) identify and remove unnecessary regulatory barriers restricting American fishermen and aquaculture producers;
- (b) combat illegal, unreported, and unregulated fishing;
- (c) provide good stewardship of public funds and stakeholder time and resources, and avoid duplicative, wasteful, or inconclusive permitting processes;
- (d) facilitate aquaculture projects through regulatory transparency and long-term strategic planning;
- (e) safeguard our communities and maintain a healthy aquatic environment;
- (f) further fair and reciprocal trade in seafood products; and
- (g) continue to hold imported seafood to the same food-safety requirements as domestically produced products.

Sec. 3. Definitions. For purposes of this order:

- (a) "Aquaculture" means the propagation, rearing, and harvesting of aquatic species in controlled or selected environments;
- (b) "Aquaculture facility" means any land, structure, or other appurtenance that is used for aquaculture;

(c) “Aquaculture project” means a project to develop the physical assets designed to provide or support services to activities in the aquaculture sector, including projects for the development or construction of an aquaculture facility;

(d) “Exclusive economic zone of the United States” means the zone established in Proclamation 5030 of March 10, 1983 (Exclusive Economic Zone of the United States of America);

(e) “Lead agency” has the meaning given that term in the regulations of the Council on Environmental Quality, contained in title 40, Code of Federal Regulations, that implement the procedural provisions of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*);

(f) “Maritime domain” means all areas and things of, on, under, relating to, adjacent to, or bordering on a sea, ocean, or other navigable waterway, including all maritime-related activities, infrastructure, people, cargo, and vessels and other conveyances;

(g) “Maritime domain awareness” means the effective understanding of anything associated with the global maritime domain that could affect the security, safety, economy, or environment of the United States; and

(h) “Project sponsor” means an entity, including any private, public, or public-private entity, that seeks an authorization for an aquaculture project.

Sec. 4. *Removing Barriers to American Fishing.* (a) The Secretary of Commerce shall request each Regional Fishery Management Council to submit, within 180 days of the date of this order, a prioritized list of recommended actions to reduce burdens on domestic fishing and to increase production within sustainable fisheries, including a proposal for initiating each recommended action within 1 year of the date of this order.

(i) Recommended actions may include changes to regulations, orders, guidance documents, or other similar agency actions.

(ii) Recommended actions shall be consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*); the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*); the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*); and other applicable laws.

(iii) Consistent with section 302(f) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(f)), and within existing appropriations, the Secretary of Commerce shall provide administrative and technical support to the Regional Fishery Management Councils to carry out this subsection.

(b) The Secretary of Commerce shall review and, as appropriate and to the extent permitted by law, update the Department of Commerce’s contribution to the Unified Regulatory Agenda based on an evaluation of the lists received pursuant to subsection (a) of this section.

(c) Within 1 year of the date of this order, the Secretary of Commerce shall submit to the Director of the Office of Management and Budget, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chair of the Council on Environmental Quality a report evaluating the recommendations described in subsection (a) of this section and describing any actions taken to implement those recommendations. This report shall be updated annually for the following 2 years.

Sec. 5. *Combating Illegal, Unreported, and Unregulated Fishing.* (a) Within 90 days of the date of this order, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration (NOAA), shall issue, as appropriate and consistent with applicable law, a notice of proposed rulemaking further implementing the United Nations Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing, which entered into force on June 5, 2016 (the Port State Measures Agreement).

(b) The Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, and the heads of other appropriate executive departments and agencies (agencies) shall, to the extent permitted by law, encourage public-private partnerships and promote interagency, intergovernmental, and international cooperation in order to improve global maritime domain awareness, cooperation concerning at-sea transshipment activities, and the effectiveness of fisheries law enforcement.

(c) The Secretary of State, the Secretary of Commerce, the Secretary of Health and Human Services, and the Secretary of Homeland Security shall, consistent with applicable law and available appropriations, prioritize training and technical assistance in key geographic areas to promote sustainable fisheries management; to strengthen and enhance existing enforcement capabilities to combat illegal, unreported, and unregulated fishing; and to promote implementation of the Port State Measures Agreement.

Sec. 6. Removing Barriers to Aquaculture Permitting. (a) For aquaculture projects that require environmental review or authorization by two or more agencies in order to proceed with the permitting of an aquaculture facility, when the lead agency has determined that it will prepare an environmental impact statement (EIS) under NEPA, the agencies shall undertake to complete all environmental reviews and authorization decisions within 2 years, measured from the date of the publication of a notice of intent to prepare an EIS to the date of issuance of the Record of Decision (ROD), and shall use the “One Federal Decision” process enhancements described in section 5(b) of Executive Order 13807 of August 15, 2017 (Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects), and in subsections (a)(ii) and (iii) of this section. For such projects:

(i) NOAA is designated as the lead agency for aquaculture projects located outside of the waters of any State or Territory and within the exclusive economic zone of the United States and shall be responsible for navigating the project through the Federal environmental review and authorization process, including the identification of a primary point of contact at each cooperating and participating agency;

(ii) Consistent with the “One Federal Decision” process enhancements, all cooperating and participating agencies shall cooperate with the lead agency and shall respond to requests for information from the lead agency in a timely manner;

(iii) Consistent with the “One Federal Decision” process enhancements, the lead agency and all cooperating and participating agencies shall record all individual agency decisions in one ROD, unless the project sponsor requests that agencies issue separate NEPA documents, the NEPA obligations of a cooperating or participating agency have already been satisfied, or the lead agency determines that a single ROD would not best promote completion of the project’s environmental review and authorization process; and

(iv) The lead agency, in consultation with the project sponsor and all cooperating and participating agencies, shall prepare a permitting timetable for the project that includes the completion dates for all federally required environmental reviews and authorizations and for issuance of a ROD, and shall make the permitting timetable publicly available on its website.

(b) Within 90 days of the date of this order, the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works, in consultation with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Homeland Security, the Administrator of the Environmental Protection Agency, other appropriate Federal officials, and appropriate State officials, shall:

(i) develop and propose for public comment, as appropriate and consistent with applicable law, a proposed United States Army Corps of Engineers nationwide permit authorizing finfish aquaculture activities in marine and coastal waters out to the limit of the territorial sea and in ocean waters beyond the territorial sea within the exclusive economic zone of the United States;

(ii) assess whether to develop a United States Army Corps of Engineers nationwide permit authorizing finfish aquaculture activities in other waters of the United States;

(iii) develop and propose for public comment, as appropriate and consistent with applicable law, a proposed United States Army Corps of Engineers nationwide permit authorizing seaweed aquaculture activities in marine and coastal waters out to the limit of the territorial sea and in ocean waters beyond the territorial sea within the exclusive economic zone of the United States;

(iv) assess whether to develop a United States Army Corps of Engineers nationwide permit authorizing seaweed aquaculture activities for other waters of the United States;

(v) develop and propose for public comment, as appropriate and consistent with applicable law, a proposed United States Army Corps of Engineers nationwide permit authorizing multi-species aquaculture activities in marine and coastal waters out to the limit of the territorial sea and in ocean waters beyond the territorial sea within the exclusive economic zone of the United States; and

(vi) assess whether to develop a United States Army Corps of Engineers nationwide permit authorizing multi-species aquaculture activities for other waters of the United States.

Sec. 7. *Aquaculture Opportunity Areas.* (a) The Secretary of Commerce, in consultation with the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Homeland Security, the Administrator of the Environmental Protection Agency, other appropriate Federal officials, and appropriate Regional Fishery Management Councils, and in coordination with appropriate State and tribal governments, shall:

(i) within 1 year of the date of this order, identify at least two geographic areas containing locations suitable for commercial aquaculture and, within 2 years of identifying each area, complete a programmatic EIS for each area to assess the impact of siting aquaculture facilities there; and

(ii) for each of the following 4 years, identify two additional geographic areas containing locations suitable for commercial aquaculture and, within 2 years of identifying each area, complete a programmatic EIS for each area to assess the impact of siting aquaculture facilities there.

(b) A programmatic EIS completed pursuant to subsection (a) of this section may include the identification of suitable species for aquaculture in those particular locations, suitable gear for aquaculture in such locations, and suitable reporting requirements for owners and operators of aquaculture facilities in such locations.

(c) In identifying specific geographic areas under subsection (a) of this section, the Secretary of Commerce shall solicit and consider public comment and seek to minimize unnecessary resource use conflicts as appropriate, including conflicts with military readiness activities or operations; navigation; shipping lanes; commercial and recreational fishing; oil, gas, renewable energy, or other marine mineral exploration and development; essential fish habitats, under the Magnuson-Stevens Fishery Conservation and Management Act; and species protected under the Endangered Species Act of 1973 or the Marine Mammal Protection Act.

Sec. 8. *Improving Regulatory Transparency for Aquaculture.* (a) Within 240 days of the date of this order, the Secretary of Commerce, in consultation with other appropriate Federal and State officials, shall prepare and place prominently on the appropriate NOAA web page a single guidance document that:

(i) describes the Federal regulatory requirements and relevant Federal and State agencies involved in aquaculture permitting and operations; and

(ii) identifies Federal grant programs applicable to aquaculture siting, research, development, and operations.

(b) The Secretary of Commerce, acting through the Administrator of NOAA, shall update this guidance as appropriate, but not less than once every 18 months.

Sec. 9. *Updating National Aquaculture Development Plan.* (a) Within 180 days of the date of this order, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce, in consultation with the Joint Subcommittee on Aquaculture, established pursuant to the National Aquaculture Act of 1980 (16 U.S.C. 2801 *et seq.*), shall assess whether to revise the National Aquaculture Development Plan, consistent with 16 U.S.C. 2803(a)(2) and (d), in order to strengthen our Nation's domestic aquaculture production and improve the efficiency and predictability of aquaculture permitting, including permitting for aquaculture projects located outside of the waters of any State or Territory and within the exclusive economic zone of the United States.

(b) In making any revisions to the National Aquaculture Development Plan as a result of this assessment, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce shall, as appropriate:

(i) include the elements described at 16 U.S.C. 2803(b) and (c) and the appropriate determinations described at 16 U.S.C. 2803(d);

(ii) include programs to analyze, and formulate proposed resolutions of, the legal or regulatory constraints that may affect aquaculture, including any impediments to establishing security of tenure—that is, use rights with a specified duration tied to a particular location—for aquaculture operators, owners, and investors; and

(iii) consider whether to include a permitting framework, including a delineation of agency responsibilities for permitting and associated agency operations, consistent with section 6 of this order and with the “One Federal Decision” Framework Memorandum issued on March 20, 2018, by the Office of Management and Budget and the Council on Environmental Quality, pursuant to Executive Order 13807.

(c) The Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce, in consultation with the Subcommittee on Aquaculture, shall subsequently assess, not less than once every 3 years, whether to revise the National Aquaculture Development Plan, as appropriate and consistent with 16 U.S.C. 2803(d) and (e). If the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce decide not to revise the National Aquaculture Development Plan, they shall within 15 days of such decision submit to the Assistant to the President for Economic Policy and the Assistant to the President for Domestic Policy a report explaining their reasoning.

Sec. 10. *Promoting Aquatic Animal Health.* (a) Within 30 days of the date of this order, the Secretary of Agriculture, in consultation with the Secretary of the Interior, the Secretary of Commerce, other appropriate Federal officials, and States, as appropriate, shall consider whether to terminate the 2008 National Aquatic Animal Health Plan and to replace it with a new National Aquatic Animal Health Plan.

(b) Any new National Aquatic Animal Health Plan shall be completed, consistent with applicable law, within 180 days of the date of this order.

(c) Any new National Aquatic Animal Health Plan shall include additional information about aquaculture, including aquaculture projects located outside

of the waters of any State or Territory and within the exclusive economic zone of the United States, and shall incorporate risk-based management strategies as appropriate.

(d) If adopted, the Plan described in subsections (b) and (c) of this section shall subsequently be updated, as appropriate, but not less than once every 2 years, by the Secretary of Agriculture, in consultation with the Secretary of the Interior, the Secretary of Commerce, other appropriate Federal officials, and States, as appropriate.

Sec. 11. *International Seafood Trade.* (a) In furtherance of fair and reciprocal trade in seafood products, within 30 days of the date of this order, the Secretary of Commerce shall establish an Interagency Seafood Trade Task Force (Seafood Trade Task Force) to be co-chaired by the Secretary of Commerce and the United States Trade Representative (Co-Chairs), or their designees. The Secretary of Commerce shall, to the extent permitted by law and within existing appropriations, provide administrative support and funding for the Seafood Trade Task Force.

(b) In addition to the Co-Chairs, the Seafood Trade Task Force shall include the following members, or their designees:

- (i) the Secretary of State;
- (ii) the Secretary of the Interior;
- (iii) the Secretary of Agriculture;
- (iv) the Secretary of Homeland Security;
- (v) the Director of the Office of Management and Budget;
- (vi) the Assistant to the President for Economic Policy;
- (vii) the Assistant to the President for Domestic Policy;
- (viii) the Chairman of the Council of Economic Advisers;
- (ix) the Under Secretary of Commerce for International Trade;
- (x) the Commissioner of Food and Drugs;
- (xi) the Administrator of NOAA; and
- (xii) the heads of such other agencies and offices as the Co-Chairs may designate.

(c) Within 90 days of the date of this order, the Seafood Trade Task Force shall provide recommendations to the Office of the United States Trade Representative in the preparation of a comprehensive interagency seafood trade strategy that identifies opportunities to improve access to foreign markets through trade policy and negotiations, resolves technical barriers to United States seafood exports, and otherwise supports fair market access for United States seafood products.

(d) Within 90 days of the date on which the Seafood Trade Task Force provides the recommendations described in subsection (c) of this section, the Office of the United States Trade Representative, in consultation with the Trade Policy Staff Committee and the Seafood Trade Task Force, shall submit to the President, through the Assistant to the President for Economic Policy and the Assistant to the President for Domestic Policy, the comprehensive interagency seafood trade strategy described in subsection (c) of this section.

Sec. 12. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
May 7, 2020.

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**Brussels, 3 December 2018
(OR. en)**

14460/18

**Interinstitutional File:
2018/0326 (NLE)**

**PECHE 481
UD 288
PREP-BXT 52**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL REGULATION opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2019–2020

COUNCIL REGULATION (EU) 2018/...

of ...

**opening and providing for the management
of autonomous Union tariff quotas
for certain fishery products for the period 2019–2020**

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 the last 21 years, the Union has become more dependent on imports to meet its consumption of fishery products. In order not to jeopardise the Union production of fishery products and to ensure an adequate supply to the Union processing industry, import duties should be reduced or suspended for a number of fishery products within tariff quotas of an appropriate volume. To guarantee a level playing field for the Union producers, the sensitivity of individual fishery products on the Union market should be taken into consideration.
- (2) Council Regulation (EU) 2015/2265¹, which was amended by Council Regulation (EU) 2016/1184², opened and provided for the management of autonomous Union tariff quotas for certain fishery products for the period 2016–2018. Given that the period of application of Regulation (EU) 2015/2265 expires on 31 December 2018, a new Regulation providing for tariff quotas should be adopted for the period 2019–2020.
- (3) Equal and uninterrupted access to the tariff quotas provided for in this Regulation should be ensured for all Union importers, and the rates laid down 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.

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 (OJ L 322, 8.12.2015, p. 4).

² Council Regulation (EU) 2016/1184 of 18 July 2016 amending 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 (OJ L 196, 21.7.2016, p. 1).

- (4) Commission Implementing Regulation (EU) 2015/2447¹ provides for a system of tariff-quota management which follows the chronological order of the dates of acceptance of the customs declarations for release for free circulation. The tariff quotas opened by this Regulation should be managed by the Commission and the Member States in accordance with that system.
- (5) It is important to ensure transparency, predictability and legal certainty for all stakeholders. Since the tariff quotas are intended to ensure adequate supply to the Union processing industry, minimum treatment or operation should be required for quota entitlement.
- (6) To ensure the efficiency of a common management of the tariff quotas, Member States should be permitted 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:

¹ 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).

Article 1

Import duties on the products listed in the Annex shall be reduced or suspended 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 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 Council¹.

Article 4

1. The reduction or suspension of import duties shall apply only to products intended for human consumption.
2. The tariff quotas shall not be available for those products whose processing is carried out at retail or catering level.

¹ 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).

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

- cleaning, gutting, tailing, heading;
- cutting;
- repacking of frozen IQF (individually quick frozen) fillets;
- sampling, sorting;
- labelling;
- packing;
- chilling;
- freezing;
- deep freezing;
- glazing;
- thawing;
- separation.

4. Notwithstanding paragraph 3, the tariff quotas shall be available for products intended for one or more of the following operations:
- dicing;
 - cutting into rings and cutting into strips for materials under CN codes 0307 43 91, 0307 43 92, 0307 43 99;
 - filleting;
 - production of flaps;
 - cutting of frozen blocks;
 - splitting of frozen interleaved fillet blocks to obtain individual fillets;
 - 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;

- subjecting products under CN codes 0306 16 99 (TARIC subdivisions 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) to processing treatment by packaging gases as defined in Annex I to Regulation (EC) No 1333/2008 of the European Parliament and of the Council¹;
- 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).

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.

¹ 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).

Article 6

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

It shall apply from 1 January 2019 to 31 December 2020.

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

Done at Brussels,

For the Council

The President

ANNEX

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2746	ex 0302 89 90	30	Southern red snapper (<i>Lutjanus purpureus</i>), fresh, chilled, for processing	1 500	0 %	1.1.2019-31.12.2020
09.2748	ex 0302 91 00 ex 0303 91 90 ex 0305 20 00	95 91 30	Hard fish roes enclosed in the ovarian membrane, fresh, chilled or frozen, salted or in brine, for processing	5 700	0 %	1.1.2019-31.12.2020
09.2750	ex 0305 20 00	35	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine, for the manufacture of caviar substitutes	1 500	0 %	1.1.2019-31.12.2020
09.2754	ex 0303 59 10	10	Anchovies (<i>Engraulis anchoita</i> and <i>Engraulis capensis</i>), frozen, for processing	500	0 %	1.1.2019-31.12.2020

¹ Expressed in net weight, unless otherwise stated.

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2759	ex 0302 51 10 ex 0302 51 90 ex 0302 59 10 ex 0303 63 10 ex 0303 63 30 ex 0303 63 90 ex 0303 69 10	20 10 10 10 10 10 10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , excluding livers and roes, fresh, chilled or frozen, for processing	95 000	0 %	1.1.2019-31.12.2020

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2760	ex 0303 66 11	10	Hake (<i>Merluccius</i> spp. excluding <i>Merluccius merluccius</i> , <i>Urophycis</i> spp.), and pink cusk-eel (<i>Genypterus blacodes</i> and <i>Genypterus capensis</i>), frozen, for processing	12 000	0 %	1.1.2019-31.12.2020
	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 (<i>Macruronus</i> spp.), frozen fillets and other frozen meat, for processing	17 500	0 %	1.1.2019-31.12.2020
	ex 0304 79 90	11				
		17				
	ex 0304 95 90	11				
		17				

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2765	ex 0305 62 00 ex 0305 69 10	20 25 29 10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , salted or in brine, but not dried or smoked, for processing	3 500	0 %	1.1.2019-31.12.2020
09.2770	ex 0305 63 00	10	Anchovies (<i>Engraulis anchoita</i>), salted or in brine, but not dried or smoked, for processing	2 500	0 %	1.1.2019-31.12.2020
09.2772	ex 0304 93 10 ex 0304 94 10 ex 0304 95 10 ex 0304 99 10	10 10 10 10	Surimi, frozen, for processing	60 000	0 %	1.1.2019-31.12.2020

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2774	ex 0304 74 15	10	North Pacific hake (<i>Merluccius productus</i>) and Argentine hake (Southwest Atlantic hake) (<i>Merluccius hubbsi</i>), frozen fillets and other meat, for processing	25 000	0 %	1.1.2019-31.12.2020
	ex 0304 74 19	10				
	ex 0304 95 50	10				
		20				
09.2776	ex 0304 71 10	10	Cod (<i>Gadus morhua</i> , <i>Gadus macrocephalus</i>), frozen fillets and frozen meat, for processing	50 000	0 %	1.1.2019-31.12.2020
	ex 0304 71 90	10				
	ex 0304 95 21	10				
	ex 0304 95 25	10				
09.2777	ex 0303 67 00	10	Alaska pollack (<i>Theragra chalcogramma</i>), frozen, frozen fillets and other frozen meat, for processing	320 000	0 %	1.1.2019-31.12.2020
	ex 0304 75 00	10				
	ex 0304 94 90	10				

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2778	ex 0304 83 90 ex 0304 99 99	21 65	Flatfish, frozen fillets and other fish meat (<i>Limanda aspera</i> , <i>Lepidopsetta bilineata</i> , <i>Pleuronectes quadrituberculatus</i> , <i>Limanda ferruginea</i> , <i>Lepidopsetta polyxystra</i>), for processing	10 000	0 %	1.1.2019-31.12.2020
09.2785	ex 0307 43 91 ex 0307 43 92 ex 0307 43 99	10 10 21	Pod ¹ of squid (<i>Ommastrephes</i> spp. - excluding <i>Todarodes sagittatus</i> (synonym <i>Ommastrephes sagittatus</i>) -, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen, with skin and fins, for processing	28 000	0 %	1.1.2019-31.12.2020
09.2786	ex 0307 43 91 ex 0307 43 92 ex 0307 43 99	20 20 29	Squid (<i>Ommastrephes</i> spp. - excluding <i>Todarodes sagittatus</i> (synonym <i>Ommastrephes sagittatus</i>) -, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen, whole or tentacles and fins, for processing	5 000	0 %	1.1.2019-31.12.2020

¹ Body of cephalopod or the squid headless and without tentacle, with skin and fins.

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2788	ex 0302 41 00	10	Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), of a weight exceeding 100 g per piece or flaps of a weight exceeding 80 g per piece, excluding livers and roes, for processing	8 000	0 %	1.10.2019-31.12.2019
	ex 0303 51 00	10				1.10.2020-31.12.2020
	ex 0304 59 50	10				
	ex 0304 99 23	10				
09.2790	ex 1604 14 26	10	Fillets known as 'loins' of tunas and skipjack, for processing	30 000	0 %	1.1.2019-31.12.2020
	ex 1604 14 36	10				
	ex 1604 14 46	11				
		21				
		92				
		94				

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2794	ex 1605 21 90 ex 1605 29 00	45 62 50 55	Shrimps and prawns of the species <i>Pandalus borealis</i> , and <i>Pandalus montagui</i> , cooked and peeled, for processing	7 000	0 %	1.1.2019-31.12.2020
09.2798	ex 0306 16 99 ex 0306 35 90	20 30 12 14 92 93	Shrimps and prawns of the species <i>Pandalus borealis</i> and <i>Pandalus montagui</i> , in shells, fresh, chilled or frozen, for processing	4 000	0 %	1.1.2019-31.12.2020
09.2800	ex 16052190 ex16052900	55 60	Shrimps and prawns of the species <i>Pandalus jordani</i> , cooked and peeled, for processing	3 000	0 %	1.1.2019-31.12.2020

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2802	ex 0306 17 92 ex 0306 36 90	20 30	Shrimps and prawns of the species <i>Penaeus vannamei</i> and <i>Penaeus monodon</i> , whether in shell or not, fresh, chilled or frozen, not cooked, for processing	40 000	0 %	1.1.2019-31.12.2020
09.2824	ex 0302 52 00 ex 0303 64 00	10 10	Haddock (<i>Melanogrammus aeglefinus</i>) fresh, chilled or frozen with heads off, gilled and gutted, for processing	3 500	2,6 %	1.1.2019-31.12.2020
09.2826	ex 0306 17 99 ex 0306 36 90	10 20	Shrimps and prawns of the species <i>Pleoticus muelleri</i> , whether in shell or not, fresh, chilled or frozen, for processing	4 000	0 %	1.1.2019-31.12.2020
09.2804	ex 1605 40 00	40	Crayfish tails of the species <i>Procambarus clarkii</i> , cooked, for processing	4 000	0 %	1.1.2019-31.12.2020
09.2762	ex 0306 11 10 ex 0306 11 90 ex 0306 31 00	10 20 10	Rock lobster and other sea crawfish (<i>Palinurus</i> spp., <i>Panulirus</i> spp., <i>Jasus</i> spp.), live, chilled, frozen, for processing	200	6 %	1.1.2019-31.12.2020

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ¹	Quota duty	Quota period
09.2784 ¹	ex 1605 10 00	21 95	Crabs of the species 'King' (<i>Paralithodes Camchaticus</i>), 'Hansaki' (<i>Paralithodes brevipes</i>), 'Kegani' (<i>Erimacrus isenbecki</i>), 'Queen' and 'Snow' (<i>Chionoecetes</i> spp.), 'Red' (<i>Geryon quinquedens</i>), 'Rough stone' (<i>Neolithodes asperrimus</i>), <i>Lithodes santolla</i> , 'Mud' (<i>Scylla serrata</i>), 'Blue' (<i>Portunus</i> spp.), simply boiled in water and shelled, whether or not frozen, in immediate packings of a net content of 2 kg or more, for processing	500	0 %	1.1.2019-31.12.2020
09.2822	ex 0303 11 00 ex 0303 12 00	20 20	Pacific Salmon, headed and gutted, frozen, of the species <i>Oncorhynchus nerka</i> (sockeye salmon (red salmon)) and <i>Oncorhynchus kisutch</i> , for processing	10 000	0 %	1.1.2019-31.12.2020

¹ This tariff quota (09.2784) is automatically deleted starting from 1 January of the year following that in which the Free Trade Agreement between the European Union and Vietnam enters into force or is applied provisionally, whichever occurs first.