COMMISSION IMPLEMENTING REGULATION (EU) 2022/64

of 17 January 2022

amending Implementing Regulations (EU) 2020/761 and (EU) 2020/1988 as regards the management system of some tariff quotas and the quantities that may be imported under certain tariff quotas

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ([1]), and in particular Article 187 and Article 223(3) thereof,

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ([2]), and in particular Article 66(4) thereof,

Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ([3]), and in particular Article 9, first paragraph, points (a) to (d), and Article 16(1) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2020/761 ([4]) lays down the rules for the management of import and export tariff quotas for agricultural products managed by a system of import and export licences and provides for specific rules.

(2) Commission Implementing Regulation (EU) 2020/1988 ([5]) lays down the rules for the administration of import tariff quotas designed to be used following the chronological order of dates of acceptance of customs declarations ('first come, first served' principle).

(3) The Agreement in the form of an Exchange of Letters between the European Union and the Commonwealth of Australia 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, concluded by Council Decision (EU) 2021/2234 ([6]), amends some tariff quotas with regard to the quantities of products to be imported from Australia.

([1]) OJ L 347, 20.12.2013, p. 671.
([2]) OJ L 347, 20.12.2013, p. 549.
([3]) OJ L 150, 20.5.2014, p. 1.
([4]) Commission Implementing Regulation (EU) 2020/761 of 17 December 2019 laying down rules for the application of Regulations (EU) No 1306/2013, (EU) No 1308/2013 and (EU) No 510/2014 of the European Parliament and of the Council as regards the management system of tariff quotas with licences (OJ L 185, 12.6.2020, p. 24).
([5]) Commission Implementing Regulation (EU) 2020/1988 of 11 November 2020 laying down rules for the application of Regulations (EU) No 1308/2013 and (EU) No 510/2014 of the European Parliament and of the Council as regards the administration of import tariff quotas in accordance with the 'first come, first served' principle (OJ L 422, 14.12.2020, p. 4).
([6]) Council Decision (EU) 2021/2234 of 29 November 2021 on the conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and Australia 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 (OJ L 452, 16.12.2021, p. 1).

(4) The Agreement in the form of an Exchange of Letters between the European Union and the Republic of Indonesia 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, concluded by Council Decision (EU) 2021/1197 ([7]), amends some tariff quotas with regard to the quantities of products to be imported from Indonesia.

(5) The amendments made by those Agreements should be reflected in Annexes to Implementing Regulations (EU) 2020/761 and (EU) 2020/1988.

(6) Furthermore, in order to ensure transparency, Member States should notify the Commission of the quantities covered by import licences for the tariff quota with order number 09.4003 in addition to those already listed in Article 16(8) of Implementing Regulation (EU) 2020/761.

(7) The Agreement in the form of an Exchange of Letters between the European Union and Australia eliminates the division in sub-periods for the tariff quota with order number 09.4129. This amendment should be reflected in Article 27 of Implementing Regulation (EU) 2020/761.

(8) For the tariff quota with order number 09.4002 the tariff quota period starts on 1 July. It is appropriate to clarify in Article 43(9) of Implementing Regulation (EU) 2020/761 that import licences issued before the beginning of the tariff quota period are valid for 3 months from 1 July.

(9) Article 72(6) of Implementing Regulation (EU) 2020/761 provides that the quantity is to be expressed in whole units, rounded up. To ensure consistency with the rules on rounding laid down in Title II, Group 6 (Goods identification), of Annex D to Commission Delegated Regulation (EU) 2015/2446 ([8]) and in Article 8(2), point (a), of Commission Implementing Regulation (EU) 2016/1239 ([9]), the certificates of authenticity and inward monitoring arrangement (IMA1) certificates issued by third countries for the management of certain tariff quotas should indicate the quantity for which they are used rounded to kilograms.

(10) The Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic 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, concluded by Council Decision (EU) 2021/1213 ([10]), increased the quantity available for tariff quota with order number 09.4168 for rice originating from all countries except the United Kingdom. That Agreement created also two new tariff quotas with order numbers 9.4289 and 09.4290 for poultry originating from Argentina. Commission Implementing Regulation (EU) 2021/1401 ([11]) made the corresponding amendments to Implementing Regulation (EU) 2020/761, including in the table for tariff quota

([7]) Council Decision (EU) 2021/1197 of 13 July 2021 on the conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Republic of Indonesia 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 (OJ L 260, 21.7.2021, p. 1).

([8]) Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

([9]) Commission Implementing Regulation (EU) 2016/1239 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the system of import and export licences (OJ L 206, 30.7.2016, p. 44).

([10]) Council Decision (EU) 2021/1213 of 13 July 2021 on the conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic 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 (OJ L 264, 26.7.2021, p. 1).

([11]) Commission Implementing Regulation (EU) 2021/1401 of 25 August 2021 amending Implementing Regulations (EU) 2020/761 and (EU) 2020/1988 as regards the quantities that may be imported under certain tariff quotas (OJ L 302, 26.8.2021, p. 1).

09.4168 in Annex III to that Regulation, and in the tables for the tariff quotas with order numbers 09.4213 and 09.4412 in Annex XII to that Regulation, where Argentina appears among the countries where the products shall not come from. However, that amending act had omitted to adjust the distribution of the new quantity for tariff quota with order number 09.4168 among its sub-periods, as well as to include a reference to Argentina in the row 'Specific entries to be made on the licence application and on the licence' in the tables for the tariff quotas with order numbers 09.4213 and 09.4412.

(11) In Article 47(3) of Implementing Regulation (EU) 2020/761, the temperature of frozen meat is defined with a reference to the entry into the customs territory of the Union, whereas in Implementing Regulation (EU) 2020/1988 reference is made to the release for free circulation in the Union. In order to ensure consistency and avoid any risks of misinterpretation, the wording of Articles 20(1) and 24(1) of Implementing Regulation (EU) 2020/1988 should be aligned with that of Article 47(3) of Implementing Regulation (EU) 2020/761.

(12) Implementing Regulations (EU) 2020/761 and (EU) 2020/1988 should therefore be amended accordingly.

(13) The amendments to Implementing Regulation (EU) 2020/761 should apply to tariff quota periods starting after the entry into force of this Regulation. However, the amendments to the tariff quotas with order numbers 09.4129, 09.4521, 09.4522, 09.4213 and 09.4412 should apply as from the first licence application period following the entry into force of this Regulation.

(14) The amendments to Articles 20(1) and 24(1) of Implementing Regulation (EU) 2020/1988 should apply from the tariff quota periods starting after the entry into force of this Regulation. The amendment concerning the tariff quotas with order numbers 09.0126, 09.2105, 09.2106, and 09.2012 should apply as of the beginning of the ongoing tariff quota periods.

(15) It is necessary to set certain transitional provisions on the adaptation of ongoing tariff quota periods to the quantities available following the amendments made by this Regulation. In particular, for the tariff quotas with order numbers 09.0126, 09.2105, 09.2106, and 09.2012, operators who imported goods out of quota prior to the entry into force of this Regulation should be reimbursed upon request.

(16) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) 2020/761

Implementing Regulation (EU) 2020/761 is amended as follows:

(1) in Article 16, paragraph 8 is replaced by the following:

'8. For the notifications to the Commission referred to in this Regulation and related to beef and veal tariff quotas with order numbers 09.4450, 09.4451, 09.4452, 09.4453, 09.4454, 09.4002, 09.4003, 09.4455, 09.4001 and 09.4004, the quantities shall be expressed in kilograms product weight, per country of origin and per product category as indicated in Part B of Annex XV to this Regulation. However, for the tariff quota with order number 09.4003 the country of origin does not need to be notified.';

(2) Article 27 is amended as follows:

(a) in the third paragraph, the order number '09.4129,' is deleted;

(b) in the fourth paragraph, the order number '09.4129,' is deleted;

(c) the fifth paragraph is replaced by the following:

'Quantities under tariff quotas order numbers 09.4127, 09.4128, and 09.4130 which have not been used or allocated during the previous sub-periods shall be transferred to tariff quota order number 09.4138 as of 1 October of each year. This shall also apply to quantities under tariff quota number 09.4129 that have not been allocated before 1 September or used before 1 October.';

(3) in Article 43, paragraph 9 is replaced by the following:

'9. Import licences issued for the tariff quota with order number 09.4002 shall be valid for 3 months from their respective dates of issue. Licences issued before the beginning of the tariff quota period shall be valid for 3 months from 1 July.';

(4) in Article 72, paragraph 6 is replaced by the following:

'6. The licence issuing authority shall note on the certificate of authenticity or IMA 1 certificate and on their copy the licence issue number and the quantity for which that document was used. The quantity shall be expressed in whole units, rounded to the nearest kilogram in accordance with the rules set out in Article 8(2), point (a), of Implementing Regulation (EU) 2016/1239. The certificate of authenticity or IMA 1 certificate shall be kept by the licence issuing authority. The copy shall be returned to the applicant to be used for customs procedures where so indicated in Title III of this Regulation.';

(5) Annexes III, IV, VIII, IX, and XII are amended in accordance with Annex I to this Regulation.

Article 2

Amendments to Implementing Regulation (EU) 2020/1988

Implementing Regulation (EU) 2020/1988 is amended as follows:

(1) in Article 20, paragraph 1 is replaced by the following:

'1. For the purposes of this Regulation, for the tariff quotas under order numbers 09.0142 and 09.0143, "frozen thin skirt" shall mean thin skirt which is frozen, with an internal temperature of – 12 °C or lower when it enters the customs territory of the Union.';

(2) in Article 24(1), point (a) is replaced by the following:

'(a) "frozen meat" means meat with an internal temperature of – 12 °C or lower when it enters the customs territory of the Union;';

(3) Annex I is amended in accordance with Annex II to this Regulation.

Article 3

Transitional provisions

1. Unless otherwise provided in Article 4 to this Regulation or in Annexes II to XII to Implementing Regulation (EU) 2020/761, where the tariff quota period of a given tariff quota has already started on the day of entry into force of this Regulation, the difference between the new quantity and quantities already allocated shall be made available to applications lodged after the entry into force of this Regulation.

2. For the purposes of Implementing Regulation (EU) 2020/1988, the quantity available for the remainder of the tariff quota period that is ongoing on the day of entry into force of this Regulation shall be the difference between the new quantity and the quantities already allocated before the entry into force of this Regulation.

If for tariff quotas with order numbers 09.2105, 09.2106, and 09.2012 the quantity previously available is exhausted on the day of entry into force of this Regulation, the difference between the new quantity and the previous one shall be allocated to operators following the chronological order of the acceptance date of the customs declaration for release for free circulation. Operators who imported their goods out of quota before the entry into force of this Regulation shall be reimbursed on their request and to the extent that the remaining balance of the tariff quota so permits as long as the difference in duty has already been paid.

For the tariff quota with order number 09.0126, for which there was no quantity available before the entry into force of this Regulation, operators shall be reimbursed on their request and to the extent that the remaining balance of the tariff quota so permits as long as the difference in duty has already been paid.

Article 4

Entry into force and application

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

Article 1 shall apply to the tariff quotas concerned from the first tariff quota period starting after the entry into force of this Regulation. However, Article 1, point (2), and points (1), (4) and point (5)(b) of Annex I shall apply from the first licence application period following the entry into force of this Regulation.

Article 2, points (1) and (2), shall apply from the tariff quota periods starting after the entry into force of this Regulation. Article 2, point (3), shall apply as of the beginning of the ongoing tariff quota periods.

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

Done at Brussels, 17 January 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Annexes III, IV, VIII, IX and XII to Implementing Regulation (EU) 2020/761 are amended as follows:

(1) Annex III is amended as follows:

(a) the table relating to the tariff quota with order number 09.4129 is amended as follows:

(i) the row 'Tariff quota sub-periods' is replaced by the following:

'**Tariff quota sub-period**	1 January to 30 September'

(ii) the row 'Quantity in kilograms' is replaced by the following:

'**Quantity in kilograms**	240 000 kg'

(b) in the table relating to the tariff quota with order number 09.4168, the row 'Quantity in kilograms' is replaced by the following:

'**Quantity in kilograms**	28 360 000 kg, divided as follows: 28 360 000 kg for sub-period 1 September to 30 September Carry over from previous sub-period, for sub-period 1 October to 31 December'

(2) in Annex IV, in the table relating to the tariff quota with order number 09.4317, in the row 'Quantity in kilograms', the quantity '4 961 000 kg' is replaced by '9 925 000 kg';

(3) in Annex VIII, in the table relating to the tariff quota with order number 09.4451, in the row 'Quantity in kg', the quantity '2 481 000 kg' is replaced by '3 389 000 kg';

(4) Annex IX is amended as follows:

(a) in the table relating to the tariff quota with order number 09.4521, in the row 'Quantity in kg', the quantity '3 711 000 kg' is replaced by '1 113 000 kg';

(b) in the table relating to the tariff quota with order number 09.4522, in the row 'Quantity in kg', the quantity '500 000 kg' is replaced by '150 000 kg';

(5) Annex XII is amended as follows:

(a) in the table relating to the tariff quota with order number 09.4213 the row 'Specific entries to be made on the licence application and on the licence' is replaced by the following:

'**Specific entries to be made on the licence application and on the licence**	Licences shall contain in Section 24 the statement "Not to be used for products originating in Brazil, Thailand, Argentina and the United Kingdom"'

(b) in the table relating to the tariff quota with order number 09.4412 the row 'Specific entries to be made on the licence application and on the licence' is replaced by the following:

'**Specific entries to be made on the licence application and on the licence**	Licences shall contain in Section 24 the statement "Not to be used for products originating in Brazil, Thailand, Argentina and the United Kingdom"'

ANNEX II

Annex I to Implementing Regulation (EU) 2020/1988 is amended as follows:

(1) in the section under the heading 'Tariff quotas in the sector of cereals', after the table relating to tariff quota with order number 09.0125, the following table relating to the tariff quota with order number 09.0126 is inserted:

'**Order number**	**09.0126**
Specific legal basis	Agreement in the form of an Exchange of Letters between the European Union and the Republic of Indonesia 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 (*), concluded by Council Decision (EU) 2021/1197 (**).
Product description and CN codes	Manioc (cassava), yams (Dioscorea spp.), taro (Colocasia spp.), yautia (Xanthosoma spp.), arrowroot, salep and similar roots and tubers with high starch content ex 0714 10 00 (see TARIC codes) as defined in Article 7 of this Regulation 0714 30 00 0714 40 00 0714 50 00 0714 90 20
TARIC codes	0714 10 00 10 0714 10 00 99
Origin	Indonesia
Quantity	165 000 000 kg net weight
Tariff quota period	1 January to 31 December
Tariff quota sub-periods	Not applicable
Proof of origin	Certificate of origin issued by competent authorities, in accordance with Article 57 of Implementing Regulation (EU) 2015/2447
In-quota customs duty	*6 % ad valorem*
Security to be lodged in accordance with Article 2 of Delegated Regulation (EU) 2020/1987	Not applicable
Specific conditions	Not applicable

(*) OJ L 260, 21.7.2021, p. 3.

(**) Council Decision (EU) 2021/1197 of 13 July 2021 on the conclusion, on behalf of the Union, of the Agreement in the form of an Exchange of Letters between the European Union and the Republic of Indonesia 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 (OJ L 260, 21.7.2021, p. 1).';

(2) in the section under the heading 'Tariff quotas in the sector of sheepmeat and goatmeat', in the table relating to the tariff quotas with order numbers 09.2105, 09.2106, 09.2012, in the row 'Quantity', the quantity '3 837 000 kg' is replaced by '5 851 000 kg'.