COMMISSION IMPLEMENTING REGULATION (EU) 2023/1142

of 9 June 2023

amending Implementing Regulations (EU) 2020/761 and (EU) 2020/1988 as regards the quantities that may be imported under certain tariff quotas following the agreement between the European Union and the United States of America

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 thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2020/761 ([2]) 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 ([3]) 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 between the European Union and the United States of America 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) 2023/912 ([4]), amends the quantities of products to be imported under some tariff quotas opened in favour of the United States and some tariff quotas opened for all other countries. The tariff quotas with following order numbers are concerned: 09.0035, 09.0040, 09.0041, 09.0055, 09.0056, 09.0059, 09.0070, 09.0073, 09.0083, 09.0089, 09.0093, 09.0094, 09.0123, 09.0147, 09.4002, 09.4038, 09.4116, 09.4123, 09.4127 and 09.4170.

(4) The amendments made by that Agreement should be reflected in Annexes to Implementing Regulations (EU) 2020/761 and (EU) 2020/1988.

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

(6) Transitional provisions are needed to clarify how to handle the situations that may arise as a result of the amendments of quantities of products to be imported under the tariff quotas concerned. This concerns tariff quotas that are managed in periods divided into sub-periods. It also concerns tariff quotas that are managed in accordance with the first come, first served principle, where the amendment of quantities leads to either an increase of the quantity of a tariff quota that was exhausted or to a decrease of the available quantity of a tariff quota for products that were already released for free circulation in the Union.

([1]) OJ L 347, 20.12.2013, p. 671.

([2]) 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).

([3]) 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).

([4]) Council Decision (EU) 2023/912 of 25 April 2023 on the conclusion, on behalf of the Union, of the Agreement between the European Union and the United States of America 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 119, 5.5.2023, p. 1).

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

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) 2020/761

Annexes II, III, VIII, and X are amended in accordance with Annex I to this Regulation.

Article 2

Amendment to Implementing Regulation (EU) 2020/1988

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

Article 3

Transitional provisions

1. With regard to the amendments introduced by Article 1, 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 the quantity already allocated shall be made available:

(a) from the first application period after the entry into force of this Regulation, if the tariff quota period is not divided into sub-periods;

(b) according to the specific rules applicable to each tariff quota, if the tariff quota has a period divided in sub-periods.

If one or more sub-periods have already expired at the moment of the entry into force of this Regulation, the difference between the new quantity available in the sub-periods expired before the entry into force of this Regulation and the quantity actually allocated shall be made available as from the first application period after the entry into force of this Regulation.

2. With regard to the amendments introduced by Article 2, the difference between the new quantity and the quantity already released for free circulation before the entry into force of this Regulation shall be made available from the day of entry into force of this Regulation.

In case of an increase of the quantity set out in Annex I to Implementing Regulation (EU) 2020/1988, if on the day of entry into force of this Regulation the relevant tariff quota period has already started and the quantity previously available is exhausted, the difference between the new quantity and the previous quantity 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, and who will benefit of the allocation of the additional quantity, shall be reimbursed the difference between the duty already paid and the in-quota duty.

In case of a decrease of the quantity set out in Annex I to Implementing Regulation (EU) 2020/1988, if on the day of entry into force of this Regulation the relevant tariff quota period has already started and a quantity higher than the new one has already been released for free circulation, operators shall not be required to pay any additional duty for the in-quota quantities imported exceeding the new available volumes.

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 from the first licence application period starting after the entry into force of this Regulation.

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

Done at Brussels, 9 June 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

Annexes I, II, III, VIII, and X to Implementing Regulation (EU) 2020/761 are amended as follows:

(1) in Annex I, the row relating to the tariff quota with order number 09.4170 is deleted;

(2) in Annex II, in the table relating to the tariff quota with order number 09.4123, the row 'Quantity in kg' is replaced by the following:

'**Quantity in kg**	572 000 000 kg'

(3) Annex III is amended as follows:

(a) in the table relating to the tariff quota with order number 09.4116, the row 'Quantity in kg' is replaced by the following:

'**Quantity in kg**	1 910 000 kg, divided as follows: 1 910 000 kg for sub-period 1 January to 30 June Carry over from previous sub-periods, for sub-period 1 July to 31 August Carry over from previous sub-periods, for sub-period 1 September to 31 December'

(b) in the table relating to the tariff quota with order number 09.4127, the row 'Quantity in kg' is replaced by the following:

'**Quantity in kg**	25 772 000 kg, divided as follows: 7 153 000 kg for sub-period 1 January to 31 March 11 466 000 kg for sub-period 1 April to 30 June 7 153 000 kg for sub-period 1 July to 31 August Carry over from previous sub-periods, for sub-period 1 September to 30 September'

(4) in Annex VIII, in the table relating to the tariff quota with order number 09.4002, the row 'Quantity in kg' is replaced by the following:

'**Quantity in kg**	10 500 000 kg product weight, divided as follows: the quantity available for each sub-period shall correspond to one twelfth of the total quantity'

(5) Annex X is amended as follows:

(a) in the table relating to the tariff quota with order number 09.4038, the row 'Quantity in kg' is replaced by the following:

'**Quantity in kg**	5 720 000 kg product weight, divided as follows: 25 % for each sub-period'

(b) the table relating to the tariff quota with order number 09.4170 is deleted.

ANNEX II

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

(1) the section under the heading 'Tariff quotas in the sector of cereals' is amended as follows:

(a) in the table relating to the tariff quota with order number 09.0073, the row 'Quantity' is replaced by the following:

'**Quantity**	2 800 000 kg net weight'

(b) in the table relating to the tariff quota with order number 09.0089, the row 'Quantity' is replaced by the following:

'**Quantity**	1 732 000 kg net weight'

(c) in the table relating to the tariff quota with order number 09.0070, the row 'Quantity' is replaced by the following:

'**Quantity**	2 700 000 kg net weight'

(2) in the section under the heading 'Tariff quotas in the sector of rice', in the table relating to the tariff quota with order number 09.0083, the row 'Quantity' is replaced by the following:

'**Quantity**	7 000 kg'

(3) the section under the heading 'Tariff quotas in the sector of fruits and vegetables' is amended as follows:

(a) in the table relating to the tariff quota with order number 09.0094, the row 'Quantity' is replaced by the following:

'**Quantity**	472 000 kg'

(b) in the table relating to the tariff quota with order number 09.0056, the row 'Quantity' is replaced by the following:

'**Quantity**	1 244 000 kg'

(c) in the table relating to the tariff quota with order number 09.0059, the row 'Quantity' is replaced by the following:

'**Quantity**	647 000 kg'

(d) in the table relating to the tariff quota with order number 09.0035, the row 'Quantity' is replaced by the following:

'**Quantity**	9 770 000 kg'

(e) in the table relating to the tariff quota with order number 09.0040, the row 'Quantity' is replaced by the following:

'**Quantity**	151 000 kg'

(f) in the table relating to the tariff quota with order number 09.0041, the row 'Quantity' is replaced by the following:

'**Quantity**	86 223 000 kg'

(4) in the section under the heading 'Tariff quotas in the sector of processed fruits and vegetables', in the table relating to the tariff quota with order number 09.0093, the row 'Quantity' is replaced by the following:

'**Quantity**	6 551 000 kg'

(5) in the section under the heading 'Tariff quotas in the sector of milk and milk products', in the table relating to the tariff quota with order number 09.0147, the row 'Quantity' is replaced by the following:

'**Quantity**	62 917 000 kg'

(6) in the section under the heading 'Tariff quotas in the sector of pigmeat', in the table relating to the tariff quota with order number 09.0123, the row 'Quantity' is replaced by the following:

'**Quantity**	4 786 000 kg'

(7) in the section under the heading 'Tariff quotas in the sector of other products listed in Section 2 of Part XXIV of Annex I to Regulation (EU) No 1308/2013', in the table relating to the tariff quota with order number 09.0055, the row 'Quantity' is replaced by the following:

'**Quantity**	4 295 000 kg'